

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03466-WYD-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP ADDRESS 50.155.180.200,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on February 12, 2014.

Defendant John Doe Subscriber's Motion to Squash [sic] Plaintiff's Third-Party Subpoena [filed February 12, 2014; docket #12] is **denied without prejudice** for failure to comply with Fed. R. Civ. P. 11(a), which states in pertinent part,

Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name – or by a party personally if the party is unrepresented. The paper must state the signer's address, email address, and telephone number.

From the content of the present motion, the Court infers that Defendant John Doe seeks to proceed in this litigation anonymously. However, he has failed to properly seek permission from the Court to do so in a separate motion.¹ See *K-Beech, Inc. v. Does 1-29*, 826 F. Supp. 2d 903, 905 (W.D.N.C. 2011) (noting that a party who wishes to proceed anonymously may overcome the presumption against anonymous proceedings by filing a well-reasoned motion to proceed anonymously); see also *West Coast Prods., Inc. v. Does 1-5829*, 275 F.R.D. 9, 12 (D.D.C. 2011) ("federal courts generally allow parties to proceed anonymously only under certain special circumstances when anonymity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment").

Therefore, if Defendant John Doe wishes to re-file his motion to quash in accordance with this order and all applicable local and federal court rules, he may do so **on or before February 28, 2014** and must first (or contemporaneously) file a motion to proceed anonymously in accordance with Rule

¹Although Defendant argues that his, "anonymity should be protected" from disclosure to the Plaintiff, such argument fails to satisfy the requirements necessary for proceeding anonymously in this case and to comply with D.C. Colo. LCivR 7.1C ("a motion ... shall be supported by a recitation of legal authority incorporated into the motion") and the law cited herein.

11(a).² With the motion to proceed anonymously, Defendant must provide to the Court his name, address, telephone number and email address in the form of a separate written “supplement” to the motion. If Defendant wishes to keep this supplement (containing his identifying information) confidential, he may file a motion to file the supplement under restriction pursuant to the procedure set forth in D.C. Colo. LCivR 7.2. The Court may strike any motion or other filing that deviates from the requirements of this order or from those set forth in the applicable local or federal rules.

²In addition to compliance with Rule 11, the Court also notes the necessity of having such information for the proper and efficient management of its docket.