

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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In Re Third Party Subpoena to Fusion GPS

c/o Zuckerman Spaeder LLP  
1800 M Street, NW  
Washington, D.C. 20036  
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) Misc. Case No. \_\_\_\_\_  
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Aleksej Gubarev, XBT Holding S.A., and  
Webzilla, Inc.,

Plaintiffs,

v.

Buzzfeed, Inc. and Ben Smith,

Defendants.  
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) Case No. 17-cv-60426-UU  
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**NON-PARTY FUSION GPS'S MOTION TO QUASH THIRD-PARTY SUBPOENA OR,  
IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER**

Pursuant to Rules 45 and 26 of the Federal Rules of Civil Procedure, non-party Fusion GPS ("Fusion"), by undersigned counsel, respectfully moves this Court to quash the subpoena compelling its appearance in the District of Columbia on September 6, 2017 for Rule 30(b)(6) testimony and to produce documents.<sup>1</sup> The subpoena was served on Fusion by Plaintiffs, Aleksej Gubarev, XBT Holding S.A., and Webzilla, Inc., in their defamation lawsuit against BuzzFeed, *Gubarev v. BuzzFeed*, Case No. 17-cv-60426 (S.D. Fla.). Alternatively, Fusion moves this Court for a protective order limiting the scope of the subpoena and protecting Fusion from having to respond to questions at a deposition or produce documents, except for documents and testimony to which Fusion has agreed: its pre-publication communications with BuzzFeed concerning the

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 45(d)(3)(A), Fusion files this motion in this Court as the court for the district where compliance is required.

publication of the Trump Dossier. As grounds therefore, Fusion relies upon the memorandum of points and authorities and the accompanying exhibits filed contemporaneously herewith.

Fusion also requests relief in the form of reasonable attorneys' fees, pursuant to Fed. R. Civ. P. 45(d)(1).

Undersigned counsel communicated with counsel for Plaintiffs, Evan Fray-Witzer, to seek to narrow the discovery requests. Over the course of multiple communications, counsel attempted to resolve the issues presented by the subpoena and thereby obviate the need for this Motion. Although Plaintiffs initially narrowed the subpoena's schedules to some extent, no resolution was reached as to the revised schedules, necessitating the filing of this motion.

Dated: August 31, 2017

Respectfully submitted,

/s/ Steven M. Salky

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of August, 2017, the foregoing was served on all counsel of record in *Gubarev v. BuzzFeed*, Case No. 17-cv-60426 (S.D. Fla.) via electronic mail.

/s/ Rachel F. Cotton

Rachel F. Cotton