

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

**MALIBU MEDIA, LLC,**

**Plaintiff,**

**V.**

**Case No: 2:12-CV-177-FtM-29SPC**

**JOHN DOE 1-13,**

**Defendants.**

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**ORDER**

This matter comes before the Court on Defendant John Doe 11's Special Appearance Motion to Quash Subpoena, or in the Alternative, Motion for Protective Order, Motion to Dismiss or Sever Defendants for Improper Joinder, Motion to Dismiss for Failing to State a Cause of Action (Doc. #15) filed on May 24, 2012. On June 6, 2012, this Court entered a Report and Recommendation to the District Court recommending that the Motion to Dismiss/Sever and for a Protective Order and/or to Quash Subpoena be denied (Doc. #31). The Court will now vacate that Report and Recommendation. A Report and Recommendation on Defendant John Doe 11's Special Appearance Motion to Quash Subpoena, or in the Alternative, Motion for Protective Order, Motion to Dismiss or Sever Defendants for Improper Joinder, Motion to Dismiss for Failing to State a Cause of Action (Doc. #15) will be issued under separate cover.

Accordingly, it is now

**ORDERED:**

The Clerk of Court is hereby directed to **VACATE** this Court's Report and Recommendation entered at Doc. #31.

**DONE** and **ORDERED** in Fort Myers, Florida this 31<sup>st</sup> day of July, 2012.

  
SHERI POLSTER CHAPPELL  
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record