

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**PATRICK A. MALCOLM, d/b/a “The  
Nursery at Ty Ty,”**

Plaintiff,

v.

**JOHN DOES 1-5,**

Defendants.

Civil Action 7:11-CV-26 (HL)

**ORDER**

Before the Court is Plaintiff’s Ex Parte Motion for Leave to Conduct Limited Third-Party Discovery in Advance of Rule 26(f) Conference (Doc. 2).

On February 24, 2011, Plaintiff filed a complaint against John Does 1-5, asserting causes of action of libel per se, tortious interference with prospective business relations, and violations of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, *et seq.* Plaintiff seeks preliminary and permanent injunctive relief; special, general, punitive, and exemplary damages; and attorney’s fees and expenses.

Plaintiff also filed the motion currently pending, in which he requests permission to conduct limited third-party discovery in advance of the Rule 26(f) conference. Plaintiff contends that Defendants published multiple defamatory statements about him on the website “Pissedconsumer.com.” (Compl., ¶ 2). Plaintiff alleges that in the posting, Defendant John Doe 1, who is identified by the user name “Susan G.,” falsely accuses Plaintiff of bad business practices, sexual

harassment, sexual assault, and other loathsome practices in the operation of Plaintiff's business. (Compl., ¶ 7).

Plaintiff requests permission to serve a subpoena for the production of documents pursuant to Federal Rule of Civil Procedure 45 on Pissedconsumer.com in order to obtain documents which may show the identity of "Susan G."

Plaintiff's Ex Parte Motion for Leave (Doc. 2) is granted. Plaintiff may serve the third-party subpoena on Pissedconsumer.com. No other discovery may be conducted without further order of the Court. Plaintiff shall file an amended complaint no later than April 29, 2011 which names the John Doe defendant identified through the discovery process. If Plaintiff cannot file an amended complaint by April 29 for some reason, Plaintiff is directed to file a motion for an extension of time containing a detailed explanation of why the time limit cannot be met.

**SO ORDERED**, this the 28<sup>th</sup> day of February, 2011.

***s/ Hugh Lawson***  
**HUGH LAWSON, SENIOR JUDGE**

mbh