

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ARISTA RECORDS, L.L.C., et al.,	:	Case No. 1:07CV2828
	:	
Plaintiffs,	:	
	:	JUDGE KATHLEEN M. O'MALLEY
v.	:	
	:	
DOES 1-11,	:	<u>ORDER</u>
	:	
Defendants.	:	

The Plaintiffs served a subpoena on non-party Case Western Reserve University (“CWRU”) seeking the identity of Defendant John Doe #9 (“Doe #9”), who was a user of Internet services provided by CWRU. (Doc. 5.) Doe #9 moved to quash this subpoena (Doc. 6) (“Motion to Quash”), Plaintiffs filed a brief in opposition to this motion (Doc. 8), and Doe #9 filed a reply brief in support of the Motion to Quash (Doc. 10.). This Court referred the matter to Magistrate Judge William H. Baughman, Jr. for preparation of a Report and Recommendation (“R&R”) pursuant to Local Rule 72.1 and 28 U.S.C. § 636. The Magistrate Judge then submitted his R&R on September 8, 2008, recommending that the Motion to Quash be denied. (Doc. 19.) No party, including Doe #9, has objected to this portion of the Magistrate Judge’s R&R.¹

¹ In his R&R, the Magistrate Judge also considered a separate motion to dismiss for improper joinder. (See Doc. 16.) The parties have filed objections to this portion of the R&R, but those motions are not yet ripe and will be addressed in a subsequent Order by the Court. (Doc 19, 20.)

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R as it pertains to Doe #9's Motion to Quash (Doc. 6). *See* Fed. R. Civ. P. 72(a) ("A party may not assign as error a defect in the order not timely objected to."). Doe #9's Motion to Quash is **DENIED**.

IT IS SO ORDERED.

Dated: September 30, 2008

s/Kathleen M. O'Malley
KATHLEEN MCDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE