

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAILIN ARENA and PATRICIA
MCWILLIAM,

Plaintiffs,

vs.

JOHN DOE and GOOGLE, INC.,

Defendants.

Case No.: 2:2012-cv-00778

**PLAINTIFFS' MOTION FOR LIMITED EXPEDITED DISCOVERY, TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST JOHN DOE**

For the reasons set forth in the accompanying memorandum of law, which is incorporated by reference herein, Plaintiffs Patricia McWilliam and Cailin Arena respectfully request that the Court enter the attached Order to Show Cause and proposed order: (1) granting their request for a limited temporary restraining order and preliminary injunction against defendant John Doe; and (2) directing defendant Google, Inc. ("Google") to comply with their limited request for expedited discovery to identify John Doe. Plaintiffs' proposed document requests are attached hereto as Exhibit 1.

**A. The Temporary Restraining Order and Preliminary Injunction
Against John Doe**

Plaintiffs' request for a temporary restraining order and preliminary injunction is limited in scope and asserted only against John Doe, an unknown person, at this time. As explained in the attached declarations of Ms. McWilliam and Ms. Arena, defendant John Doe continues to use his website, located at <http://secretlivessexbloggers.blogspot.com>, to infringe upon Plaintiffs' copyrighted materials. Plaintiffs own copyright applications for these materials, which were

filed with the U.S. Copyright Office (hereinafter the “Copyrighted Materials”). Plaintiffs limit the scope of the temporary restraining order and preliminary injunction they seek here to a Court order requiring that John Doe cease his online publication of their Copyrighted Materials.

Because electronic filing in this case would put the materials back online, and allow any other anonymous party to repost them, Plaintiffs also request an order providing that if Defendants would like to file the Copyrighted Materials as an exhibit, they should do so under seal.

Defendant Google, Inc. (“Google”), is the host of John Doe’s website, with control over John Doe’s website, and has stated that it will enforce such an Order against John Doe if one is obtained. *See* Correspondence from Google, attached as Exhibit C-E to Arena Declaration and Exhibit 1 to McWilliam Declaration. For that reason, Plaintiffs assert their motion only against John Doe at this time. Plaintiffs assert this motion against John Doe because, as described in the attached memorandum and declarations, they are suffering ongoing, irreparable harm as a result of Defendants’ conduct.

B. The Limited Expedited Discovery to Identify John Doe

Additionally, Plaintiffs move for an order providing for expedited discovery to identify John Doe, so that their complaint may be amended to name John Doe, and discovery may be obtained from him directly. Despite Plaintiffs’ diligent efforts to identify John Doe, they have been unable to do so because of third parties’ refusals to provide this information absent a Court order or subpoena. As the host of John Doe’s website, Google has information concerning his identity that it has refused to provide absent a Court order. *Id.* Accordingly, Plaintiffs request that the Court order that Google respond to the attached brief discovery requests on an expedited basis. Google has also indicated that it will provide this information pursuant to Court Order.

Id.

Plaintiffs submit the attached memorandum of law, the declarations of Ms. Arena and Ms. McWilliam and attached exhibits, and a proposed order, in connection with this motion and their Order to Show Cause.

Respectfully submitted,

/s/Charles J. Arena
Charles J. Arena, Esq. (Pa. Bar No. 28154)
Law Offices of Charles J. Arena
583 Skippack Pike, Suite 100
Blue Bell, PA 19422
215-540-0300
cejarena@gmail.com
Attorney for Plaintiffs

Dated: February 17, 2012

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAILIN ARENA and PATRICIA
MCWILLIAM,

Plaintiffs,

vs.

JOHN DOE and GOOGLE, INC.,

Defendants.

Case No.: 2:2012-cv-00778

**PLAINTIFFS' DOCUMENT REQUESTS ADDRESSED TO GOOGLE, INC.
IN CONNECTION WITH PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING ORDER AGAINST JOHN DOE**

Pursuant to the Court's Order of February __, 2012, in the above-referenced matter, Plaintiffs Cailin Arena and Patricia McWilliam propound the following document requests upon Google, Inc.

INSTRUCTIONS AND DEFINITIONS

1. The term "document" shall have the broadest meaning possible including under the Federal Rules of Civil Procedure, including without limitation, the original and all copies, drafts, and translations of any information in any written, electronic, recorded, or graphic form, including all memoranda of oral conversations, as well as all compilations, catalogs, and summaries of information or data, whether typed, handwritten, printed, recorded, or otherwise produced or reproduced, and shall include any photograph, photostat, microfilm, or other reproduction thereof, i every note, memorandum, e-mail, letter, telegram, publication, telex, circular, release, article, report, prospectus, record, financial statement, computer disc, computer

tape, microfiche, microform, index, list, claims file, analysis chart, account-book, draft, summary, diary, journal, transcript, agreement, calendar, graph, receipt, chart, business record, insurance policy, computer printout, or contract.

2. The term “Google,” “you,” “You” or “Your” refers to defendant Google, Inc, and to all persons acting, or purporting to act, on its behalf, including but not limited to, servants, agents, employees, officers, directors, accountants, and attorneys, past and present. You must make inquiries of Your agents, employees, etc., whenever such inquiry is necessary to enable You to respond to these document requests completely and accurately.

a. The terms “related to” or “relating to” means constitutes, refers to, reflects, concerns, discusses, describes, records, comprises, evaluates, analyzes, reviews, evidences, or pertains to, or in any way logically or factually connects with the matter described in the document request.

3. To the extent necessary to bring within the scope of the document production requests contained herein any document that might otherwise be construed to be outside their scope (i) the word “or” means “and/or”; (ii) the word “and” means “and/or”; (iii) the word “all” means “any and all”; (iv) the word “any” means “any and all”; (v) the singular includes the plural and the plural includes the singular; (vi) masculine pronouns denote the correlative feminine pronouns; and (vii) feminine pronouns denote the correlative masculine pronouns.

4. In producing documents in response to this request, you are required to furnish all documents in your possession, custody, or control that are known or available to you, regardless of whether those documents are possessed by you, or by any agent, attorney, representative, or employee. Documents to be produced include, without limitation, any responsive document that was or is prepared, kept, or maintained for the personal use, in the personal files, or as the

personal property of any affiliate or any representative of the person responding hereto. You must make a diligent search of your records and of other papers and materials in your possession or available to you or your attorneys or other representatives.

4. As to any document called for in this request that no longer exists, but that you are aware existed at one time, please identify such document and, in addition, identify the last known location and the reason such document is no longer in existence.

7. If any document responsive to any of the document production requests contained herein is withheld from production on the ground that such document is privileged or otherwise protected from discovery in whole or in part, then (i) the purportedly protected document shall be identified by its date, author, recipients, and present location and custodian, the persons to whom copies were furnished together with their job titles, its nature (for example, memorandum, report, chart, letter, etc.), and its subject matter; (ii) the nature and basis of the claim that such document is privileged or otherwise protected from discovery shall be stated, by its date, author, recipients, nature (for example, memorandum, report, chart, letter, etc.), and subject matter, with sufficient particularity and in sufficient detail to permit the Court to rule on the claim that such document is privileged or otherwise protected from discovery; and (iii) all portions of such document that are not claimed to be privileged or otherwise protected from discovery shall be produced.

DOCUMENT REQUESTS

1. All documents related to the identity of any person(s) who posted content at <http://www.secretlivessexbloggers.blogspot.com/>.

2. All documents related to the identity of the “John Doe” defendant in the above-captioned action.

3. All documents related to <http://www.secretlivessexbloggers.blogspot.com/>.

4. All documents related to the IP address(es) used by any person(s) who have logged into any accounts associated with <http://www.secretlivessexbloggers.blogspot.com/>.

5. All documents related to the email address(es) used by any person(s) who have logged into any accounts associated with <http://www.secretlivessexbloggers.blogspot.com/>.

6. All documents and correspondence exchanged between You and any person(s) who have posted content at, logged into, or accessed <http://www.secretlivessexbloggers.blogspot.com/>.

7. All documents related to the plaintiffs in this action – Cailin Arena and Patricia McWilliam.

8. All documents related to your decision not to remove any content at <http://www.secretlivessexbloggers.blogspot.com/>.

Respectfully submitted,

/s/Charles J. Arena
Charles J. Arena, Esq. (Pa. Bar No. 28154)
Law Offices of Charles J. Arena
583 Skippack Pike, Suite 100
Blue Bell, PA 19422
215-540-0300
cejarena@gmail.com
Attorney for Plaintiffs

Dated: February 17, 2012