

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRITTANY BARNES,)	
)	
Plaintiff)	
)	No. 3:09-0764
v.)	Judge Nixon/Brown
)	Jury Demand
CUS NASHVILLE, LLC)	
d/b/a COYOTE UGLY SALOON,)	
)	
Defendant)	

ORDER TO SHOW CAUSE

The Defendant in this matter has filed motion to require Facebook to show cause why it has not complied with the Court's earlier orders (Docket Entry 47).

On February 16, 2010 (Docket Entry 33), the Magistrate Judge issued an order directing Facebook to submit certain requested materials directly to the Court under seal. As of the date of this order the Magistrate Judge has received no communication from Facebook in any form. A copy of that order is attached to this order.

Accordingly, Facebook, through an authorized representative, is directed to appear in Courtroom 783, 801 Broadway, Nashville, Tennessee, and show cause on Monday, April 26, 2010, at 10:00 a.m. why they have not complied with the Court's earlier order and why the Court should not impose sanctions on them for failing to comply.

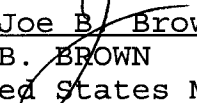
The Clerk is directed to serve a copy of this order on Facebook at the email address provided and to send a copy by

certified mail, return receipt requested, to Facebook at 1601 South California Avenue, Palo Alto, California 94304.

The Magistrate Judge is concerned that the previous orders of the Court appear to have been served on an email address. The Magistrate Judge was under the impression that counsel had been communicating with a live person and not an email box. If Defendant's counsel has an address of a live person it should be provided to the Court and Defendant's counsel should also send notification to Facebook as well.

In the event these materials are received by the Court on or before **April 23, 2010**, the representative from Facebook need not appear at the hearing on April 26th, and it will be canceled.

It is so ORDERED.



/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

BRITTANY BARNES,

Plaintiff,

v.

**CUS NASHVILLE, LLC
d/b/a COYOTE UGLY SALOON,**

Defendant.

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**CASE NO. 3:09cv-764
JURY DEMAND**

ORDER

This cause came to be heard on February 11, 2010 before Magistrate Joe B. Brown on Defendant's request for an Order compelling certain documents and/or electronically stored information from Plaintiff, Brittany Barnes', Facebook account. Counsel for Defendant has determined through formal discovery that there is non-privileged, electronically stored information contained in Plaintiff's Facebook account relevant to Defendant's defense of this matter. Counsel for Plaintiff argued Defendant should not be allowed to discover this information due to privacy concerns of Plaintiff. Based on argument by counsel and this case as a whole, the Court finds Defendant's request should be granted. However, the Court finds that the requested materials should be send directly to the Court under seal. Upon receipt, the Court will determine the extent to which the produced materials are within the scope of discovery as state in FED. R. CIV. PRO 26(b), and thereafter produce the materials to counsel for both parties if necessary.

It is therefore ORDERED and ADJUDICATED that Facebook shall produce within fifteen days from the entry of this Order the following information from Brittany Barnes' Facebook account:

1. All pictures/photographs linked by friends for the period of September 17, 2008 through January 31, 2010;
2. All pictures/photographs uploaded by Brittany Barnes for the period of September 17, 2008 through January 31, 2010;
3. Any and all information showing or demonstrating any photographs deleted from Brittany Barnes Facebook account for the period of September 17, 2008 through January 31, 2010;
4. Any and all posts on Brittany Barnes' Facebook account for the period of September 20, 2008 through October 20, 2008;
5. Any and all email communications on Brittany Barnes' Facebook account for the period of September 17, 2008 through January 31, 2010;
6. The above materials shall be produced directly to the Court at the following address:

**United States District Court, Middle District
ATTN – Magistrate Judge Joe Brown
US Courthouse, 801 Broadway, Ste. 704
Nashville, TN 37203**

7. The requested materials must be produced in accordance with the procedure set forth in FED. R. CIV. PRO. 45(d) and must be produce in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

It is so ORDERED on this the 16th day of February 2010.

/S/ Joe B. Brown

JOE B. BROWN
United States Magistrate Judge