

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

IN RE: )  
 )  
SUBPOENA ISSUED PURSUANT TO ) CASE NO. MS07-6236-EJL  
THE DIGITAL MILLENNIUM )  
COPYRIGHT ACT TO: )  
 )  
43SB.COM, LLC. )  
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**ORDER ADOPTING  
REPORT and RECOMMENDATION**

On November 16, 2007, United States Magistrate Judge Mikel H. Williams issued a Report and Recommendation (Docket No.20).

Pursuant to 28 U.S.C. § 636(b)(1), any party had ten (10) days in which to file written objections to the Report and Recommendation, however no objection to the recommendation made by Judge Williams has been filed. Exercising de novo review of the matter, this Court may accept, reject or modify, in whole or in part, the findings and recommendations made by the magistrate judge. Id.

Because this Court finds the Report and Recommendation of Judge Williams to be well founded in law and supported by the record, the Court hereby accepts in their entirety, and adopts as its own, the findings made by Judge Williams. Acting on the recommendation of Judge Williams and this Court being fully advised in the premises,

**IT IS HEREBY ORDERED** that the Report and Recommendation (Docket No.20) by Judge Williams should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

**IT IS FURTHER ORDERED** that 43SB.COM, LLC's Motion to Quash Subpoena (Docket No. 1) is **GRANTED IN PART AND DENIED IN PART** as follows:

1. With respect to "d2" the Motion to Quash is **DENIED**.
2. With respect to "Tom Paine" the Motion to Quash is **GRANTED**, and the Subpoena pertaining to Tom Paine is **QUASHED**.

**IT IS FURTHER ORDERED** that this case shall be **DISMISSED IN ITS ENTIRETY**.



DATED: **December 7, 2007**

A handwritten signature in black ink, reading "Edward J. Lodge". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable Edward J. Lodge  
U. S. District Judge