

FILED
08 MAY -7 AM 9:45
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE:

*Discovery order issued by
Attorney of Plaintiff
Tyler G. Doyle
50 California Street, 22nd Floor
San Francisco, CA 94111
(415)875-6316*

Case No. CV 08-2147TEH

**NOTICE OF MOTION TO QUASH
SUBPOENA**

PLEASE TAKE NOTICE:

Good cause exists to quash the subpoena because Tyler has no compelling arguments in obtaining the true identity of IP Address: 71.135.177.158 that outweighs the IP Address holder protection under Cable Communication Policy Act of 1984, which prohibits operators from disclosing personally identifiable data to third parties without consent, unless the disclosure is either necessary to render a service provider by the cable operator to the subscriber or if it is made to a government entity pursuant to a court order.

Any possible arguments under the Computer Fraud and Abuse Act (as amended 1994 and 1996), section 2030 would not be withstanding. The holder of the IP address has not accessed a computer of any United States Government Agency, has not obtained any information from United States Agency, has not had any intent and committed any fraud, has not caused transmission of any data resulting in damages and material loss, has not caused any trafficking that would affect interstate or foreign commerce, has not had any intent to extort from any person that could be punishable under the Act.

The IP address holder petitions this Court to avoid disclosure of his/her true identity and to protect his/her rights of privacy under Cable Communication Act pending resolution of this Motion to Quash.

Dated: May 6, 2008, respectfully submitted,

By: _____
IP Address Holder
71.135.177.158