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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

TINA JACOBSON,  
  
Plaintiff,  
  
vs.  
  
JOHN DOE and/or JANE DOE,  
  
Defendants.

Case No. CV2012-3098

COWLES PUBLISHING'S MOTION TO  
QUASH SUBPOENA DUCES TECUM

COMES NOW Cowles Publishing Company, publisher of *The Spokesman-Review* newspaper (hereinafter "Cowles Publishing"), acting by and through its attorneys, Witherspoon Kelley, and hereby moves the Court for an order quashing the subpoena duces tecum served on it by Plaintiff in the above-referenced action on April 26, 2012.

The subpoena duces tecum seeks to compel Cowles Publishing to produce documents identifying three anonymous bloggers who posted comments on the blog site *Huckleberries*, administered by Cowles Publishing.

1 The subpoena duces tecum should be quashed because it violates both the First  
2 Amendment to the United States Constitution and Article I, Section 9 of the Idaho Constitution  
3 by requiring identification of the purveyors of anonymous speech, thereby stifling the free flow  
4 of information and communication, and further requires disclosure of privileged and  
5 confidential information obtained by Cowles Publishing and, as such, violates the reporter's  
6 privilege of Cowles Publishing under the First Amendment to the United States Constitution,  
7 and Article I, Section 9 of the Idaho Constitution.

8 This Motion is made pursuant to Idaho Rule of Civil Procedure 45(d)(1).

9 Cowles Publishing has reserved a hearing date of June 1, 2012 at 9:00 a.m. in  
10 coordination with counsel for Plaintiff. Cowles Publishing will submit a Memorandum in  
11 Support of this Motion to Quash, an Affidavit in Support thereof and a formal Notice of  
12 Hearing by May 11, 2012.

13 DATED this \_\_\_\_ day of April, 2012.

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16 \_\_\_\_\_  
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18 Duane M. Swinton  
19 Witherspoon • Kelley  
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The Spokesman-Review*

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**CERTIFICATE OF SERVICE**

I certify that on this the \_\_\_\_ day of April, 2012, I caused a true and correct copy of COWLES PUBLISHING’S MOTION TO QUASH SUBPOENA DUCES TECUM to be forwarded, with all required charges prepaid, by the method(s) indicated below, to the following person(s):

C. Matthew Andersen  
Winston & Cashatt  
250 Northwest Blvd., Suite 206  
Coeur d’Alene, ID 83814

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Via Fax: (208) 765-2121

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