

ENDORSED
FILED

2009 FEB 25 AM 9: 09

David H. Yamamoto, Clerk of the Superior Court
County of Santa Clara, California

By: _____
Deputy Clerk

G. FUJIHARA

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SANTA CLARA

12 MARK AND RHONDA LESHER,

13 Plaintiffs,

14 vs.

15 JOHN AND/OR JANE DOES 1-178,

16 Defendants.

No.: 109CV134190

**NON-PARTY TOPIX, LLC'S NOTICE OF
MOTION AND MOTION TO QUASH
PLAINTIFFS' DEPOSITION SUBPOENA
FOR PRODUCTION OF BUSINESS
RECORDS, OR IN THE ALTERNATIVE
FOR A PROTECTIVE ORDER**

Date: March 27, 2009

Time: 9:00 a.m.

Place: Dept. 22

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21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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23 PLEASE TAKE NOTICE that on March 27, 2009, at 9:00 a.m. or as soon thereafter as
24 counsel may be heard, before Judge Kevin J. Murphy in Department 22 of the above-entitled court,
25 non-party Topix LLC ("Topix") will and hereby do move for: (1) an order quashing Plaintiffs Mark
26 and Rhonda Lesher's Deposition Subpoena for Production of Business Records; or, in the alternative,
27 2) a protective order. This motion is made pursuant to California Code of Civil Procedure Sections
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REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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1987.1 and 2025.420(b) and is based on the grounds that, among other things, revealing the identities of Topix's users violates the constitutional protection guaranteed by the First Amendment to the United States Constitution and the Subpoena is grossly overbroad and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence

Topix's motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Separate Statement, the Declaration of Philip P. Keating, the Declaration of Emily Williams Hurley and the Court's entire file in this matter, the arguments presented at the hearing on this motion, and on such further evidence as the Court may find proper.

DATED: February 25, 2009.

REED SMITH LLP

By Joy Durand
Joy L. Durand
Attorneys for Non-Party Topix LLC