

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM**

THOMAS M. COOLEY LAW SCHOOL,
a Michigan nonprofit corporation,

Plaintiff,

Case No. 11-781-CZ

vs.

Hon. Clinton Canady III

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
and JOHN DOE 4,

Defendants.

MILLER, CANFIELD, PADDOCK AND STONE, PLC
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ORDER DENYING MOTION TO QUASH AND PROVIDING OTHER RELIEF

At a session of said Court held in the City of Lansing,
County of Ingham, State of Michigan on: NOV 8, 2011

PRESENT: HON. CLINTON CANADY III
Clinton Canady III

Upon the filing and reading of Defendant John Doe 1's Motion to Quash, Brief in Support, Plaintiff Thomas M. Cooley Law School's Response to Defendant's Motion to Quash and Brief in Opposition, Defendant Doe 1's Supplemental Brief, Plaintiff's Supplemental Brief, Amicus Curiae Public Citizen, Inc.'s Brief in Support of Defendant Doe 1's Motion to Quash, and Plaintiff's Response to Amicus's Brief, upon reviewing *in camera* the materials received by

Plaintiff in response to an August 3, 2011 subpoena issued to Weebly, Inc., oral argument having been heard in open court on September 7, October 3, and October 24, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

1. For the reasons stated on the record on October 24, including, but not limited to, the Court's finding that Plaintiff's Complaint adequately pleads a prima facie claim for defamation per se against Defendant John Doe 1:
 - a. Defendant John Doe 1's Motion to Quash the subpoena issued on August 3, 2011 by the San Francisco County (California) Superior Court to Weebly, Inc. is denied.
 - b. Defendant John Doe 1's request for a protective order relating to the Weebly subpoena is denied.
 - c. Plaintiff may file a First Amended Complaint naming the individual currently identified as Defendant John Doe 1 in the Complaint. To the extent inconsistent with this Order, the Court's September 8, 2011 Order to Strike Plaintiff's First Amended Complaint and to Remove Exhibits from the Pleadings is vacated.
 - d. Except as otherwise provided in this Order, Plaintiff may use the information obtained in response to the San Francisco County (California) Superior Court subpoena to Weebly, Inc. in its efforts to identify John Doe 1 and in support of its claims in this case.

- e. Plaintiff's August 31, 2011 subpoenas issued to Google, Inc. and MSN Hotmail are quashed, and subpoenas concerning John Does 2-4 are stayed for the 21-day period set forth below in paragraph 2.
- f. Plaintiff's (i) September 29, 2011 Motion for Reconsideration of the Court's September 8, 2011 Order to Strike Plaintiff's First Amended Complaint and to Remove Exhibits from the Pleadings and (ii) Plaintiffs' October 7, 2011 Motion for Reconsideration of the Court's October 3, 2011 Order Upon Motion to Quash are denied.

2. Upon entry of this Order, Defendant John Doe 1 and Plaintiff shall have 21 days to seek leave to appeal the Order. Cooley shall not file an amended complaint naming Defendant John Doe 1 during this 21-day period or until after the Court of Appeals has resolved the application for leave to appeal or, if the Court of Appeals grants the application for leave to appeal, until after the Court of Appeals resolves the appeal.

SO ORDERED.

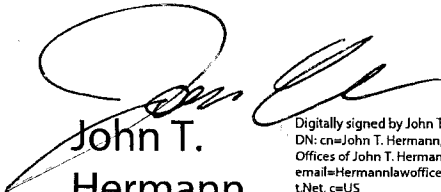
Dated: Nov 8, 2011

CLINTON CANADY III

Hon. Clinton Canady III
Ingham County Circuit Court Judge

STIPULATED AND AGREED:

Paul Hudson w/consent authority given 11/4/2011
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