

FILED

MAR 27 2009

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY J. Alvarez DEPUTY
J. ALVAREZ

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

MARK AND RHONDA LESHER,

Plaintiffs,

vs.

JOHN AND/OR JANE DOES 1-178,

Defendants.

Case No. 1-09-CV-134190

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

The motion to quash deposition subpoena for production of business records or, in the alternative, for a protective order by non-party Topix, LLC ("Topix") against Plaintiffs Mark and Rhonda Lesher (collectively, "Plaintiffs") came on for hearing before the Honorable Kevin J. Murphy on March 27, 2009 at 9:00 a.m. in Department 22. The matter having been submitted, the Court orders as follows:


Topix's motion to quash deposition subpoena for production of business records is DENIED.

Topix's motion for protective order is GRANTED. The Court shall order the parties to agree to, sign, and file with the Court a stipulated protective order with confidentiality and

1 Attorney's Eyes Only provisions to protect the identities of the anonymous internet posters. The
2 parties shall meet and confer to determine which subpoenaed documents are relevant to this
3 litigation. The Court shall order the production of responsive documents pursuant to the
4 subpoena and subject to the parties' stipulated protective order. A sample protective order can
5 be found on the Court's website for complex litigation.

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Dated: 3-27-09



Kevin J. Murphy
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 N. First Street
San Jose, CA 95113-1090

FILED

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TO: FILE COPY

RE: M. Leshner, et al vs John Doe 1-178
Case Nbr: 1-09-CV-134190

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA, County of Santa Clara
BY J. Alvarez DEPUTY
J. ALVAREZ

PROOF OF SERVICE

Order Re: Motion to Quash

was delivered to the parties listed below in the above entitled case as set forth in the sworn declaration below.

Parties/Attorneys of Record:

CC: Reed Smith LLP
Post Office Box 7936, San Francisco, CA 94120-7936
Philip P Keating , Pietragallo Gordon Alfano, Et Al
One Oxford Centre, The 38th Floor, Pittsburg, PA 15219
Gordon E Gray III
4401 N Atlantic Avenue, Suite 233, Long Beach, CA 90807

*William P. Demond
701 Brazos Street, Suite 500 Austin, TX 78701*

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408)882-2700, or use the Court's TDD line, (408)882-2690 or the Voice/TDD California Relay Service, (800)735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown above, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on 03/27/09. DAVID H. YAMASAKI, Chief Executive Officer/Clerk by Jean Alvarez, Deputy

JJA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 N. First Street
San Jose, CA 95113-1090

TO: Reed Smith LLP
Post Office Box 7936
San Francisco, CA 94120-7936

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