

**U.S. District Court Southern District of Florida
(Miami Division)**

CIVIL ACTION, CASE #: 03-CV-22328
Judge Moore

Michael J. Zwebner,

Plaintiff,

MOTION TO QUASH

v.

JOHN DOES, 1-100,

Defendants.

_____ /

MOTION TO QUASH

The undersigned, Law Office of L. Van Stillman, P.A., files this Motion to Quash a subpoena issued by this Court in the above-styled litigation, as said subpoena pertains to John Doe #32, a/k/a Me Too Tom, pursuant to Rule 45 of the Federal Rules of Criminal Procedure, and alleges as follows:

1. This is an action to quash the omnibus subpoena issued by this Court, on behalf of the Plaintiff, to Lycos Network for the disclosure of the true names of the pseudonyms used on the Lycos Bulletin Board, and for such other information as specified in the subpoena.
2. John Doe #32, a/k/a Me Too Tom, is objecting to the issuance of the subpoena as it pertains to John Doe #32 and is requesting this Honorable Court to quash said subpoena and/or issue, in the alternative, a protective order in favor of Me Too Tom, prohibiting and preventing the Lycos Network from revealing the true name of the individual and or entity using the pseudonym "Me Too Tom".
3. In support of its motion, John Doe #32 would allege that:

- (a) The Plaintiff, Michael J. Zwebner, has failed to show that its need for the identity information requested outweighs the anonymous speakers First Amendment rights;
- (b) The Constitutional protections of freedom of association outweighs the Plaintiff's need to be granted access to the true name of John Doe #32;
- (c) The Plaintiff has failed to establish in its pleadings that it has a legitimate good-faith basis to contend that it may be a victim of conduct actionable in this jurisdiction against John Doe #32; and
- (d) The Plaintiff has failed to establish that the identity of John Doe #32 is centrally needed to advance his claim.

WHEREFORE, for the reasons set forth above, the Defendant, John Doe #32, a/k/a Me Too Tom, respectfully requests this Honorable Court to quash the subpoena as it pertains to John Doe #32, or, in the alternative, to issue a protective order preventing the Lycos Network from divulging the true identity of John Doe #32, a/k/a Me Too Tom.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing has been furnished this ____ day of November, 2003, to: Michael J. Zwebner, 407 Lincoln Road, Suite 6-K, Miami Beach, Florida 33139.

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By: _____
L. Van Stillman, Esq.
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