

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-092226

01/18/2007

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
M. Brady
Deputy

PAUL MCMANN

JOSEPH EDWARD HOLLAND

v.

JOHN DOE

LOUIS J HOFFMAN

GREGORY BECK
1600 20TH ST SW
WASHINGTON DC 20009
DOCKET-CIVIL-SE

MINUTE ENTRY

The Court has under advisement the Defendant's "Motion to Quash Subpoena and to Dismiss," filed November 20, 2006. That motion has been fully briefed and the Court has benefited from oral argument on January 17, 2007.

Plaintiff seeks to discover the identity of the Defendant, John Doe. To do so, he has issued subpoenas to Domain by Proxy and GoDaddy. Defendant moved to quash those subpoenas in order to protect his anonymity, and to dismiss the Plaintiff's complaint.

The Court believes that the correct standard to be applied in this situation is that announced in, *Doe v. Cahill*, 884 A.2d 451 (2005). Under that standard the Plaintiff must show that its claim would survive a Motion for Summary Judgment before being entitled to discover the identity of an anonymous speaker through any compulsory discovery process.

Based upon the extensive pleadings by the parties, the Court finds that Plaintiff cannot meet that standard for all the reasons argued in Defendant's briefs. Therefore,

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IT IS ORDERED granting Defendant's Motion to Quash Subpoenas and dismissing this case without prejudice.

DATED this 18th day of January, 2007.

/ s / HONORABLE CHRISTOPHER WHITTEN

JUDICIAL OFFICER OF THE SUPERIOR COURT