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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

4:Twenty Media, Inc.)
)
Plaintiff,)
)
vs.)
)
Swarm Sharing Hash Files)
6D59B29B0E51E9B5B4C0F9192CE99ED5E)
C5457E8,6FC0F9C7F041DC36283D54B1FA)
29399EAEC2A8,F1F946C2054A0F885AC01)
FB07A935F4F238DD391 and Does 1-1,341)
)
Defendant)

CASE NO.: 6:12-cv-00031-RFD-CMH

**OMNIBUS MOTION TO QUASH OR, IN THE ALTERNATIVE,
TO SEVER AND DISMISS**

COMES NOW, Movant John Doe # 1159 (IP Address 98.207.222.178) in the instant action, and respectfully submits this Omnibus Motion to Quash or, in the alternative, to Sever and Dismiss. The instant subpoena was issued by Plaintiff and delivered to Movant through Movant's Internet Service Provider (hereinafter 'ISP'), pursuant to Fed. R. Civ. P. 45(c)(3). The subpoena being contested was issued pursuant to the Court's January 24, 2012 Order Granting Plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference (Doc. No. 6).

Alternatively, Movant seeks to be dismissed from this action, as the Court lacks personal jurisdiction over the moving defendant and early discovery to ascertain his identity is therefore inappropriate in this action.

Finally, Movant seeks to be severed from this action pursuant to Fed. R. Civ. P. 21 because Movant has been improperly joined pursuant to Fed. R. Civ. P. 20(a)(2). Even if

1 Plaintiff has satisfied the standards for joinder articulated in Rule 20(a)(2), Movant requests that
2 this court use it's discretion under FRCP 21 to sever Doe Defendants 2-1341.

3 Movant relies on this motion, the simultaneously filed Memorandum in Support, and
4 Supporting Affidavit of Movant.

5 WHEREFORE, Movant respectfully requests that this Court grant its motion to quash, or,
6 alternatively, dismiss Movant based on lack of personal jurisdiction and issue an order severing
7 Does 2-1341 as improperly joined parties, and issue any other orders or grant any further relief to
8 Does 2-1341 as improperly joined parties, and issue any other orders or grant any further relief to
9 which Movant may justly be entitled.

10
11 Respectfully Submitted,

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14
15 s/ Nicholas Ranallo

16 COUNSEL FOR DOE # 1159
17 Nicholas Ranallo, Attorney at Law
18 California Bar # 275016
19 371 Dogwood Way,
20 Boulder Creek, CA 95006
21 (831) 703-4011
22 Fax: (831) 533-5073
23 nick@ranallolawoffice.com
24 *PHV Application Pending*

15 s/ Carlos A. Zelaya II

16 Carlos A. Zelaya, II (#22900)
17 Mumphrey Law Firm, LLC
18 330 Oak Harbor Blvd., Suite D
19 Slidell, LA 70458
20 (985) 649-0709
21 Fax: (985) 649-5706
22 czelaya@mumphreylaw.com

23 Local Counsel

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Omnibus Motion to Quash or, in the Alternative, to Sever and Dismiss was filed May 3, 2012 via the Court's CM/ECF system which will send Notice of Filing to the below listed recipients.

s/ Carlos A. Zelaya, II

Via ECF Filing:

Christina N. Boffen
cboffen@gmail.com

William Scarth Clark
sclark@bestkoeppel.com

Christine August Guillory
cguillory@frilot.com

Paul A. Lesko
plesko@sinmonsfirm.com

David W. Nance
david@dwnance.com

Morgan E. Pietz
mpietz@pietzlawfirm.com

Joseph C Peiffer
jpeiffer@fishmanhaygood.com