

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WEST BAY ONE, INC.,

Plaintiff,

v.

Civil Action No. 10-481 (RMC/JMF)

**ENID EDDINGS; CRYSTAL PABREZIS;
and DOES 1-726,**

Defendants.

MEMORANDUM ORDER

Bobby Jo Whitehead (“Whitehead”) has become aware of the existence of a subpoena served upon an Internet Service Provider (“ISP”) that might disclose whether she downloaded illegally a film. Plaintiff is the copyright owner of this film and served that subpoena.

As the matter now stands, Whitehead has not yet been named as a defendant but has moved to quash the subpoena on the grounds that (1) she is not a party to the case; (2) she lives in Michigan, which is more than 100 miles from the District of Columbia; (3) it would be unduly burdensome for her to have to travel to the District of Columbia for trial; and (4) the Court lacks personal jurisdiction over her. Motion to Deny Plaintiff’s Subpoena to Produce Documents, Information, or Objects or to Permit Inspection in a Civil Action [#105] at 1-2.

Although Whitehead moves to quash the subpoena, she has not been served with one and therefore, it does not impose any burden on her whatsoever. If, instead, Whitehead is trying to move to dismiss the case for lack of jurisdiction over her person, she will have to wait until she

is in fact named as a defendant. As Judge Collyer has pointed out,¹ the defenses she may have to liability are not at issue merely because a subpoena was served on an ISP.

It is therefore, hereby,

ORDERED that the Motion to Deny Plaintiff's Subpoena to Produce Documents, Information, or Objects or to Permit Inspection in a Civil Action [#105] is **DENIED**. I note that Whitehead, if named as a defendant, reserves all of the defenses she may have to this action.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

¹ See Memorandum Opinion [#36] at 5.