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 Harmeet K. Dhillon

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **San Francisco Division**

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 14
 15 HARMEET K. DHILLON, an individual,

16 Plaintiff,

17 v.

18
 19 DOE 1, an unknown individual, and
 20 DOES 2 through 10,

21 Defendants.

Case Number: 13-01465-SI

**ADMINISTRATIVE MOTION FOR
 ORDER COMPELLING
 COMPLIANCE WITH SUBPOENA
 PURSUANT TO LOCAL RULE 7-11**

I. INTRODUCTION

1 Pursuant to Local Rule 7-11, Plaintiff Harmeet K. Dhillon ("Plaintiff")
2 respectfully submits this Administrative Motion for an Order Compelling Compliance
3 by third party New Dream Network, LLC, dba DreamHost ("New Dream Network")
4 with the federal subpoena served on it on April 11, 2013 (the "Subpoena"). Plaintiff
5 seeks this relief because Plaintiff has taken all steps within her power to obtain the
6 information sought by the Subpoena, without success, and the identities of the Doe
7 Defendants listed in Plaintiff's Complaint will remain unknown until compliance with
8 the Subpoena has occurred. Plaintiff respectfully requests that this Court issue an
9 Order compelling compliance with the Subpoena, which Order Plaintiff intends
10 promptly to serve on New Dream Network.
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II. PROCEDURAL BACKGROUND

12 Ms. Dhillon filed her Complaint on April 2, 2013, naming ten Doe Defendants
13 alleged to have infringed upon her copyrights in violation of 17 U.S.C. §101 *et seq.* Dkt.
14 1 (Complaint). On the same day, Ms. Dhillon filed an *Ex Parte* Application for Leave to
15 Take Limited Discovery Prior to a Rule 26(f) Conference pursuant to Federal Rule of
16 Civil Procedure 26(d), on the grounds that she had made a *prima facie* showing of
17 copyright infringement, and without expedited discovery in the form of a Subpoena
18 for documents to New Dream Network, LLC, on behalf of DreamHost ("New Dream
19 Network") – the entity believed to be in possession of information identifying the Doe
20 Defendants – she would be unable to identify the Defendants with sufficient
21 particularity to effect service of process or to obtain redress for the infringement. Dkt. 2
22 (*Ex Parte* Application). The *Ex Parte* Application attached as Exhibit 1 an example of the
23 Subpoena to be served on New Dream Network. *Id.*
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1 On April 9, 2013, the Court filed an Amended Order¹ granting Ms. Dhillon's *Ex*
 2 *Parte* Application and allowing Ms. Dhillon to serve a Rule 45 Subpoena on New
 3 Dream Network, in order to obtain the identity of the Doe Defendants listed in the
 4 Complaint. Dkt. 8 (Amended Order). The Amended Order set forth all deadlines
 5 relevant to the Subpoena, including that 1) New Dream Network would have 30 days
 6 from the date of service upon it to serve each entity or person whose information is
 7 sought with a copy of the Subpoena and a copy of the Amended Order; 2) each entity
 8 and person so notified would have 30 days from service to file any motions in this
 9 Court contesting the Subpoena; and 3) if the 30-day period lapsed without the entity
 10 contesting the Subpoena, New Dream Network would have 10 days to produce to
 11 Plaintiff the information responsive to the Subpoena with respect to that entity. Dkt. 8.

12 On April 11, 2013, Ms. Dhillon promptly served New Dream Network with a
 13 Subpoena in substantially the same form as the example attached as Exhibit 1 to her *Ex*
 14 *Parte* Application. *See* Declaration of Krista L. Shoquist In Support of Administrative
 15 Motion ("Shoquist Decl."), ¶2, Exhibit A (Subpoena); Exhibit B (Proof of Service).

16 On June 10, 2013, the 60-day period for any affected person or entity to file a
 17 motion contesting the Subpoena lapsed, with no such motion being filed. Shoquist
 18 Decl., ¶3. New Dream Network's deadline to produce documents pursuant to the
 19 Subpoena was 10 days later, on June 21, 2013. No such production was made on that
 20 date. *Id.*

21 Following New Dream Network's failure to produce documents pursuant to the
 22 Subpoena, Plaintiff's counsel made a diligent search for direct contact information for
 23 New Dream Network in order to follow up on the status of the Subpoena compliance.
 24 Shoquist Decl., ¶4. On June 25, 2013, Plaintiff's counsel contacted New Dream

25 ¹ The original [Proposed] Order granted by the Court on April 3, 2013 (Dkt. 6) contained
 26 a typographical error that was subsequently corrected by Plaintiff's counsel.

1 Network by email through the “Contact Us” page listed on its website. Shoquist Decl.,
2 ¶4. Plaintiff’s counsel also faxed a letter to New Dream Network at the only fax
3 number Plaintiff’s counsel could find after a diligent search. Shoquist Decl., ¶4; Exhibit
4 C (copy of letter). Plaintiff’s counsel has, to date, received no response from New
5 Dream Network.

6 III. ARGUMENT

7 Good cause exists to grant this Administrative Motion for an Order compelling
8 New Dream Network to comply with the outstanding Subpoena. This Court has
9 already found that good cause exists for the Subpoena on New Dream Network. Dkt.
10 8. New Dream Network was personally and properly served with the Subpoena and
11 has had over 80 days to comply with the Subpoena and produce the information
12 sought. New Dream Network has had a reasonable opportunity to respond to Plaintiff
13 informally to work out any production issues in connection with the Subpoena, and
14 has failed to do so.

15 Without the information sought in the Subpoena, Plaintiff will be prevented
16 from naming defendants and moving this case forward. Indeed, the unknown
17 identities of the Doe defendants have already forced Plaintiff to file an Administrative
18 Motion seeking to continue the Initial Case Management Conference and related
19 deadlines, which require the participation of named defendants. *See* Dkt. 10
20 (Administrative Motion).

21 Counsel for Ms. Dhillon could not obtain a stipulation for this Administrative
22 Motion because, at the time of filing of the Administrative Motion, the identities of the
23 Defendants with whom to confer is unknown. Shoquist Decl., ¶5.
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1 IV. CONCLUSION

2 For the foregoing reasons, Plaintiff respectfully requests that this Court issue an
3 Order compelling New Dream Network, LLC, dba DreamHost, to comply with the
4 outstanding Subpoena, and further requests that this Court issue all other appropriate
5 relief.

6 Date: July 2, 2013

DHILLON & SMITH LLP

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8 By:

/s/ Krista L. Shoquist

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