

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 09-0905-CV

Caption:

Motion for: Stay pending appeal

Arista Records LLC et al., Plaintiffs-Appellees,

-against-

Doe 3, Defendant-Appellant,

and

Does 1, 2 and 4-16, Defendants.

Set forth below precise, complete statement of relief sought: Stay pending appeal of so much of an order which compels third-party State University of New York to comply with a subpoena requiring that it disclose the name, address and other identifying details of Doe 3. Appellant also requests an interim stay pending the determination of this motion, inasmuch as the last day for compliance with the subpoena is March 11, 2009.

MOVING PARTY:

- Plaintiff Defendant Doe 3
Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Plaintiffs-Appellees Arista Records LLC et al.

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Court-Judge/Agency appealed from: U.S. District Court, Northern District of New York, Hon. Glenn T. Suddaby, U.S.D.J.

Please check appropriate boxes:

Has consent of opposing counsel:

- A. been sought? Yes No
B. been obtained? Yes No

Has service been effected? [Attach proof of service] Yes No

Is oral argument requested? (requests for oral argument will not necessarily be granted) Yes No

Has argument date of appeal been set? If yes, enter date: Yes No

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

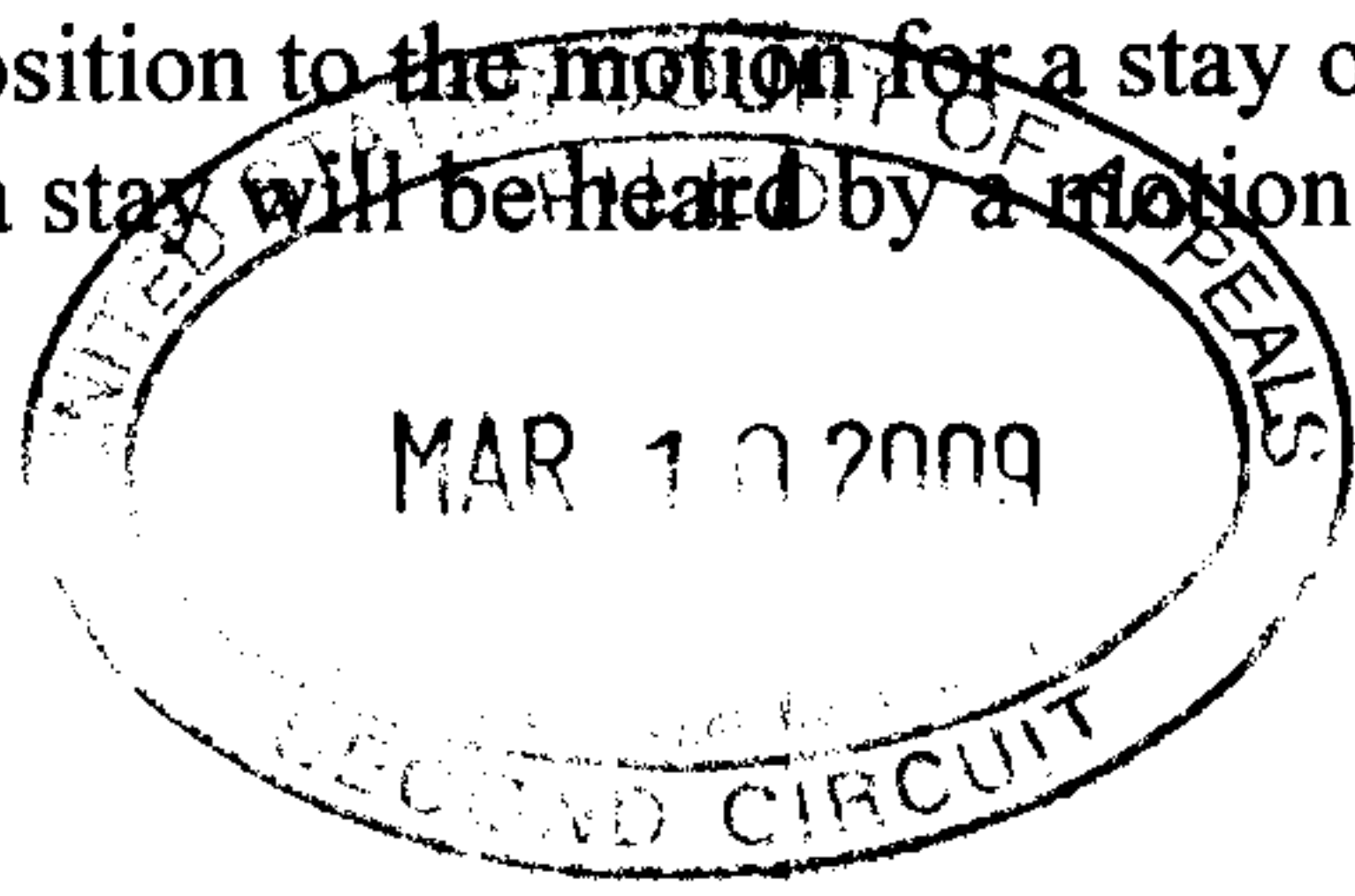
Requested return date and explanation of emergency:

Appellant seeks an interim stay of compliance with third-party subpoena ordered to take place on March 11, 2009, but requests no

ORDER

Before: Hon. Debra Ann Livingston, Circuit Judge

IT IS HEREBY ORDERED that Appellant's motion for an interim stay of so much of the District Court's order that compels third-party State University of New York to comply with a subpoena requiring that it disclose the name, address and other identifying information of Doe 3 is GRANTED. IT IS FURTHER ORDERED that APPELLEE may file an opposition to the motion for a stay on or before March 23, 2009. The motion for a stay will be heard by a motions panel in due course.



3/10/09
Date

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk
by Joy Fallek, Administrative Attorney

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