

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LAFACE RECORDS, LLC, et al.,

Plaintiffs,

v.

Case No. 2:07-cv-187
HON. PAUL L. MALONEY

DOES 1-5.

Defendants.

OPINION AND ORDER

Defendant Doe #5, a college student at Northern Michigan University, has filed a motion for reconsideration of the denial of Defendant's motion to quash, vacate and amend the executed subpoena. This Court ruled that Defendant Doe #5 had failed to present a legitimate factor that could provide the Court with authority to quash the subpoena under Rule 45. Defendant argues that the subpoena should be quashed because it places an undue burden on Northern Michigan University. Defendant does not have standing to raise this argument. Furthermore, Defendant has not provided any basis for concluding that the subpoena places an undue burden on Defendant Doe #5. Defendant's arguments under the First Amendment, Fourth Amendment, equal protection, due process, and assertions that a third party committed a criminal act are without merit and do not justify quashing the subpoena. Defendant Doe #5's motion for reconsideration (Docket #47) is DENIED.

/s/ Timothy P. Greeley

TIMOTHY P. GREELEY

UNITED STATES MAGISTRATE JUDGE

Dated: December 2, 2008