

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MALIBU MEDIA, LLC)	
)	
Plaintiff,)	Case No.: 1:13-cv-01525-SEB-MJD
)	
v.)	
)	
JOHN DOE <i>subscriber assigned IP</i>)	
<i>Address 50.90.55.202</i>)	
)	
Defendant.)	

REPLY IN SUPPORT OF
MOTION TO QUASH SUBPOENA (DOC. 25)

Defendant Doe hereby replies in support of the motion to quash subpoena.

Mailbu’s Opposition correctly notes that Doe’s Motion to Quash is predicated on the viability of Doe’s co-pending Motion to Dismiss for Failure to State a Claim (Doc. 24). If this case is to be dismissed, there is no grounds for permitting non-party discovery, so the motion to quash should granted simultaneously with the dismissal.

However, Doe concedes that *if* the Court *denies* the motion to dismiss, that it would logically follow that the motion to quash should also be denied. However, that is a big *if*.

Respectfully submitted,

By: s/Paul B. Overhauser
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being filed electronically, and notice hereof will automatically be sent to all counsel of record that participate in electronic filing, by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: s/Paul B. Overhauser
Paul B. Overhauser