

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

IN RE SUBPOENA TO VERIZON)
INTERNET SERVICES, INC.,) Misc. Act. No. 03-MC-804-HHK/JMF

RECORDING INDUSTRY ASSOCIATION)
OF AMERICA,)
Plaintiff) **AMENDED MOTION TO**
v.) **EXPEDITE CONSIDERATION**
VERIZON INTERNET SERVICES, INC.,) **OF JANE DOE’S**
Defendant.) **MOTION TO STAY**

RECORDING INDUSTRY ASSOCIATION)
OF AMERICA,)
Plaintiff)
v.)
JANE DOE,)
(a.k.a. nycfashiongirl@KaZaA.com,¹))
Intervenor.)
_____)

INTRODUCTION

¹ Jane Doe respectfully declines to comply with Local Rule 11.1 requiring the first filing by a party to identify in the caption the name and full residence address of the party. Jane Doe seeks through this motion in intervention to protect her identify from disclosure. Compliance with Rule 11.1 would necessarily defeat that purpose. Counsel will provide Jane Doe’s name and residence address in camera to the Court if the Court so requests. Counsel for Jane Doe confirm and declare that Jane Doe is a very real living human who has participated in the preparation of these papers. Declaration of Daniel N. Ballard in support of Motion to Intervene at §§2,4.

Plaintiff Recording Industry Association of American (“RIAA”) moved this Court on August 7, 2003 for an order to enforce a subpoena served on Defendant Verizon Internet Services, Inc. (“Verizon”). On August 21, applicant Jane Doe filed a motion to intervene in that proceeding. She stated that if intervention were granted, she intended to file a motion to quash the subpoena in question. Concurrently, Jane Doe filed a motion to stay proceedings on RIAA’s motion to enforce, to permit coordination of the briefing and other proceedings on these related motions. Also on August 21, Jane Doe filed a motion to expedite hearing on her motion to stay.

On August 26, RIAA filed its opposition to Jane Doe’s motion to stay. On August 28, Magistrate Judge Faciola ordered Jane Doe’s motion to expedite stricken for failure to comply with, *inter alia*, Local Rule LCvR 7.1(m). Jane Doe now moves again to expedite, requesting that the Court shorten the normal time to consider her motion to stay RIAA’s motion to enforce. As indicated in the August 21 filing, counsel for Jane Doe and Verizon discussed the motion to expedite on August 20, 2003, and Verizon’s counsel stated that Verizon did not oppose it. In addition, on August 28, 2003, counsel for Jane Doe and RIAA discussed the motion to expedite, and RIAA’s counsel stated that RIAA does not oppose that motion. Although the parties disagree on the merits of Jane Doe’s motion to stay, they agree that its expeditious consideration and determination would be desirable.²

² A proposed order is attached to this amended motion., pursuant to Local Rule LCvR7.1(c). Counsel for Jane Doe note that a proposed order was omitted from the motion to expedite filed on August 21 in an effort to comply with the Order Establishing Procedures for Electronic Filing issued by Judge Kennedy in this matter, a copy of which is attached hereto. Paragraph 6 of that Order states that “No proposed orders are to be submitted with motions in this case.

ARGUMENT

Federal courts are vested with inherent powers enabling them to manage their cases and courtrooms effectively. Chambers v. NASCO, Inc. 501 U.S. 31, 43-44 (1991).

As fully explained in Jane Doe's motion to intervene of August 21, Jane Doe has significant legal interests that would be adversely affected if this Court granted RIAA's motion to enforce the subpoena in question. Jane Doe's motion to stay the enforcement proceeding will benefit the Court by permitting it to coordinate the consideration of RIAA's motion to compel with that of the motion to quash that Jane Doe will file if intervention is granted. For it to serve that purpose, however, the motion to stay must be considered expeditiously, prior to further proceedings on the motion to compel itself.

CONCLUSION

Jane Doe can contribute materially to the proper resolution of RIAA's motion to enforce. Her request to stay that motion to enforce should be expeditiously considered to permit her time to make those contributions. Jane Doe respectfully requests the court to expeditiously consider her motion to stay RIAA's motion to enforce.

Dated: August 28, 2003

By: /s/

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