

FILED
JUN 28 2012
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MILLENNIUM TGA, INC.,)	
)	Case: 1:12-mc-00357
Plaintiff,)	Assigned To : Howell, Beryl A.
)	Assign. Date : 6/28/2012
v.)	Description: Miscellaneous
)	
JOHN DOE,)	[Case pending in the U.S. District Court
)	for the Southern District of Texas,
Defendant.)	No. 4:11-cv-4501]
)	

MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

Plaintiff Millennium TGA, Inc. ("Millennium"), pursuant to Federal Rule of Civil Procedure ("Rule" or "Rules") 45(c)(2)(B)(i), hereby moves this Court to enter an order compelling nonparty subpoena recipient CEQUEL III COMMUNICATIONS II, LLC d/b/a CEBRIDGE CONNECTIONS ("Cebridge") to produce documents called for in a subpoena *duces tecum* issued by Millennium to Cebridge, with respect to the above-referenced matter currently pending in the U.S. District Court for the Southern District of Texas. Plaintiff served the subpoena (the "Subpoena") on Cebridge on February 16, 2012 in accordance with that court's Order Granting Plaintiff's Motion for Leave to Take Expedited Discovery. (*Millennium TGA, Inc. v. Doe*, No. 4:11-cv-4501 (S.D. Tex. Feb. 9, 2011), ECF No. 6.) In support of its motion, Millennium states:

On February 16, 2012, Millennium served the Subpoena on Cebridge, which was issued from the U.S. District Court for the District of Columbia. Fourteen days later, on March 1, 2012, Cebridge objected to the Subpoena on four separate grounds: inadequate time for compliance, inadequate assurance of payment, improper joinder and lack of personal jurisdiction. After a good faith meet-and-confer conference on the same day, Cebridge indicated it would withdraw

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its objection relating to inadequate assurance of payment, but would stand on its remaining objections.


Cebridge's objections offer no proper basis under the Rules upon which to excuse its compliance with the Subpoena. Cebridge's objection for inadequate time for compliance is factually baseless. Further, nonparty Cebridge's concerns regarding personal jurisdiction and joinder are not a legitimate basis for objecting to the Subpoena.

WHEREFORE, for all of the foregoing reasons, Plaintiff respectfully requests that this Court grant this Motion, compel Cebridge to comply with the subpoena, and grant Plaintiff any and all further relief that this Court deems to be reasonable and appropriate under the circumstances.

Respectfully submitted,

MILLENNIUM TGA, INC.

DATED: June 26, 2012

By: 
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