

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SI03, Inc.,)	
)	No. 07 C 3266
Plaintiff,)	
)	
v.)	Judge Ruben Castillo
)	
JOHN DOES 1-31 and DOE COMPANIES 1-5,)	Magistrate Judge Keys
)	
Defendants.)	

PLAINTIFF’S MOTION FOR CLARIFICATION

NOW COMES SI03, Inc. (“SI03”), by and through its attorney, and respectfully submits its Motion for Clarification (“Motion”) and states the following:

1. On June 11, 2007, the Plaintiff filed its Complaint.
2. On June 13, 2007, this Court dismissed the Complaint without prejudice “to the filing an amended complaint which properly identifies the named defendants.”
3. The Court’s June 13, 2007 Order also expressly stated that “Plaintiff is granted permission to proceed with expedited discovery to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district.”
4. Subsequent to the Court’s June 13, 2007 Order, the Clerk of the Court closed the case.
5. Since June 13, 2007, the Plaintiff has properly served a subpoena upon Bodybuilding.com, LLC (“Subpoena”) issued from the United States District Court, District of Idaho seeking information related to pseudonyms identified in the Complaint as well as additional pseudonyms believed to be used by the same defendants.
6. Counsel for Bodybuilding.com, LLC has objected to the Subpoena on a number

of grounds that need not be discussed herein. However, in a letter dated August 17, 2007, counsel for Bodybuilding.com, LLC has raised an objection that specifically relates to the June 13, 2007 Order:

Second, when I wrote my letter I was aware of the Court Order to which you refer, but that very Order dismisses the Complaint and the Clerk of the Court has closed the case. Without a pending Complaint and active case, no valid Rule 45 Subpoena can issue. Perhaps you need to seek clarification or some other relief from the Court before proceeding

Letter from Tillery to Mudd of 8/17/07 (the relevant portion of which has been attached hereto as Exhibit A)

7. While the undersigned counsel understands that the Court's June 13, 2007 Order stated explicitly that expedited discovery could be pursued, the undersigned counsel seeks to avoid arguing a motion to compel or motion to quash in the State of Idaho to have the federal court in Idaho quash the subpoena based solely on the alleged ambiguity raised by the letter from Bodybuilding.com, LLC's counsel.

8. For the foregoing reasons, Plaintiff moves this Court to clarify its June 13, 2007 Order by explicitly stating that the Plaintiff may proceed with expedited discovery, including subpoenas issued under Rule 45, to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district where such discovery may include, but not be limited to, pursuing identifying information related to those pseudonyms Plaintiff reasonably believes to be used by the defendants.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting the above requested relief stating that the Plaintiff may proceed with expedited discovery, including but not limited to subpoenas issued pursuant to Rule 45, to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district, where such discovery may include, but not be limited to, seeking the production of identifying information related to those pseudonyms Plaintiff reasonably believes to be used by the defendants.

Dated: Chicago, Illinois
August 17, 2007

PLAINTIFF,
SI03, Inc.



By: Its Attorney
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CERTIFICATE OF SERVICE

I, Charles Lee Mudd Jr., do hereby certify that service of this MOTION FOR CLARIFICATION was accomplished pursuant to Electronic Case Filing as to ECF Filing Users and shall be served upon other parties listed below by sending said documents via postage pre-paid U.S. mail on the 17th day of August 2007:

M. Kelly Tillery
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/s/Charles Lee Mudd Jr.
Charles Lee Mudd Jr.

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