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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

ANTHONY MITHCELL,
Plaintiff,

vs.

EMORY ANDREW TATE III, et al.,
Defendants.

Case No.: 2:26-cv-00720-JAD-BNW

**NON-PARTY NICHOLAS THOMAS'
MOTION TO QUASH SUBPOENAS AND
FOR PROTECTIVE ORDER**

COMES NOW, Non-Party Nicholas Thomas ("Thomas") by and through undersigned
counsel and hereby makes this special appearance seeking a protective order and/or for an order
quashing or modifying the subpoenas issued to GoDaddy.com, LLC and Domains By Proxy, LLC

1 (ECF No. 29). This motion is brought under Federal Rules of Civil Procedure 26(b), 26(c), 26(d),
2 and 45(d)(3), and District of Nevada LR 26-6.

3 A protective order should be entered and the subpoenas quashed or, at minimum, modified
4 because they are ambiguous and potentially seek private identifying information that exceeds the
5 narrow Doe-identification purpose authorized by the Court, are disproportionate to any present
6 need, and risk irreversible disclosure of a non-party's private information to a pro se litigant absent
7 meaningful confidentiality protections.

8 Thomas appears specially and solely for purposes of this motion. He does not waive any
9 defense or objection, and he does not concede that he is Doe Defendant 1 or that he is subject to
10 service, personal jurisdiction, or liability in this action.

11 **RELIEF REQUESTED**

12 1. Quashing the subpoenas issued to GoDaddy.com, LLC and Domains By Proxy,
13 LLC and filed as ECF No. 29;

14 2. Staying all production and enforcement pending resolution of this Motion and any
15 affected-person objection;

16 3. Alternatively, modifying the subpoenas to require advance written notice to any
17 affected registrant, account holder, or affected person and at least thirty days to object or move to
18 quash before production;

19 4. Limiting any permitted production to the minimum current identifying and service
20 information necessary to identify and serve Doe Defendant 1;

21 5. Excluding historical registrant identity-change information, payment information,
22 account notes, communications, logs, portfolio information, technical records, and any
23 information not necessary for service;

24 6. Requiring any production to be treated as confidential and prohibiting public filing,
25 dissemination, publication, internet posting, or use outside the narrow service-of-process purpose;

26 7. Requiring any filing that references produced information to be redacted or filed
27 under seal pursuant to District of Nevada Local Rule IA 10-5;

28 8. Prohibiting Plaintiff from using subpoenaed information to support merits

1 allegations, public accusations, personal-jurisdiction arguments, alter-ego theories, ownership
2 theories, party-expansion theories, or any purpose beyond identifying and serving Doe Defendant
3 1 absent further order of the Court.

4 **MEET-AND-CONFER CERTIFICATION**

5 Counsel for Mr. Thomas has conferred in good faith with Plaintiff regarding the relief
6 requested in this Motion. Plaintiff encouraged Mr. Thomas to file the instant motion. See
7 Declaration of Keren E. Gesund filed herewith.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. INTRODUCTION**

10 This matter involves claims arising from an online hackathon allegedly hosted at
11 fundraiser.com. Plaintiff obtained expedited discovery for the narrow purpose of identifying and
12 serving Doe Defendant 1, the alleged operator of fundraiser.com. ECF No. 26. However, the two
13 subpoenas at issue seek, *in addition* to the registrant's name, address, and email, the creation-date
14 information, and historical identity-change information for fundraiser.com. They contain no
15 confidentiality designation, no use limitation, no pre-disclosure notice period, and no prohibition
16 on public filing or dissemination. That information, once disclosed, cannot be undisclosed.

17 The Court should not permit the irreversible disclosure of information before an affected
18 person has a meaningful opportunity to be heard and before appropriate confidentiality and use
19 restrictions are imposed. Courts within the Ninth Circuit frequently require notice-and-objection
20 procedures and confidentiality limits when expedited discovery seeks internet-user identifying
21 information. *See Twitch Interactive, Inc. v. Doe*, 2019 U.S. Dist. LEXIS 132842, *16 (N.D. Cal.
22 Aug. 7, 2019). Mr. Thomas seeks a limited protective order and an order quashing or modifying
23 the subpoenas to prevent premature and unrestricted disclosure of potentially private identifying
24 information.

25 Mr. Thomas is an affected non-party whose personal privacy and confidentiality interests
26 may be implicated by the requested information. He has not been served as a defendant. He does
27 not concede that he is Doe Defendant 1, that he is subject to suit in Nevada, or that Plaintiff is
28 entitled to use third-party subpoenas to obtain and publicly deploy information concerning him.

1 **II. PROCEDURAL BACKGROUND**

2 On May 5, 2026, this Court entered an order granting Plaintiff’s request to conduct limited
3 discovery to identify and serve Doe Defendant 1. ECF No. 26. Specifically, the order authorizes
4 Plaintiff to serve “Rule 45 subpoenas for the purpose of obtaining information that may identify
5 Doe Defendant 1.” *Id.* at 2:4-6. On May 7, 2026, Plaintiff filed (and that same day served)
6 subpoenas on GoDaddy.com, LLC and Domains By Proxy, LLC requesting the following
7 information:

8 GoDaddy.com, LLC subpoena: "DOMAINS: fundraiser.com: 1. Registrant name,
9 address & email from Jan 16, 2025 (ordinary course records). 2. Creation date;
10 dates of identity changes."

11 Domains By Proxy, LLC subpoena: "DOMAINS: fundraiser.com: 1. Registrant
12 name, address & email from Jan 16, 2025 (ordinary course records). 2. Creation
13 date; dates of identity changes."

14 ECF No. 29.

15 The subpoenas seek information beyond this Court’s authorization. Thomas does not
16 dispute that Plaintiff may obtain fundraiser’s name, address and email address. Anything beyond
17 that (i.e. “ordinary course records”, “Creation date” or “dates of identity changes”) exceeds the
18 scope of the subpoenas. This information may contain financial information (such as a credit card
19 for ongoing payments) and/or social security numbers. To the extent Plaintiff’s subpoenas request
20 more than was authorized by this Court, they should be quashed and or modified and a protective
21 order entered to preclude the dissemination of confidential information.

22 **III. LEGAL STANDARD**

23 Rule 45(d)(3)(A) requires a court to quash or modify a subpoena that fails to allow a
24 reasonable time to comply, requires compliance beyond Rule 45(c), requires disclosure of
25 privileged or other protected matter if no exception or waiver applies, or subjects a person to undue
26 burden. Fed. R. Civ. P. 45(d)(3)(A). Rule 45(d)(3)(B) further authorizes the court, to protect a
27 person subject to or affected by a subpoena, to quash or modify a subpoena that requires disclosure
28 of trade secret or other confidential research, development, or commercial information. Fed. R.
Civ. P. 45(d)(3)(B)(i).

1 Rule 26(c) independently authorizes protective orders to protect a party or person from
2 annoyance, embarrassment, oppression, or undue burden or expense, including orders forbidding
3 discovery, specifying terms for discovery, limiting the scope of inquiry, or requiring confidential
4 treatment. Fed. R. Civ. P. 26(c)(1). Rule 26(b)(1) also limits discovery to nonprivileged matter that
5 is relevant and proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1).

6 Although a person generally may not challenge a subpoena issued to another entity based
7 solely on relevance, overbreadth, or burden to the subpoena recipient, courts recognize standing
8 when the movant asserts a personal right or privilege in the subpoenaed information. *See Walker*
9 *v. Intelli-Heart Servs.*, 2019 U.S. Dist. LEXIS 33821, *11 (D. Nev. Mar. 4, 2019)

10 IV. ARGUMENT

11 **A. Mr. Thomas may seek protection because the subpoenas implicate his personal** 12 **privacy and confidentiality interests.**

13 Mr. Thomas is not attempting to assert GoDaddy's or Domains By Proxy's burden
14 objections. He seeks protection because the subpoenas target information that may identify an
15 affected registrant, account holder, or person associated with fundraiser.com. Names, addresses,
16 email addresses, and historical identity-change information are personal identifying information.
17 Disclosure to a litigation adversary, followed by public filing or dissemination, would cause harm
18 that cannot be undone.

19 The posture also matters. The subpoenas seek internet registrant information after
20 expedited discovery in which the affected registrant or account holder did not have a meaningful
21 opportunity to object before production. Courts routinely impose notice-and-objection procedures
22 in cases involving anonymous or identifying internet information to prevent unnecessary or
23 abusive disclosure. *See Twitch Interactive*, 2019 U.S. Dist. LEXIS 132842, at *16; *Uber Techs.,*
24 *Inc. v. Doe*, 2015 U.S. Dist. LEXIS 32979, *11 (N.D. Cal. Mar. 16, 2015).

25 **B. The subpoenas should be quashed or stayed because they lack adequate notice,** 26 **confidentiality, and use protections.**

27 The subpoenas seek names, addresses, email addresses, and historical identity-change
28 information. They do not require GoDaddy.com, LLC or Domains By Proxy, LLC to notify the

1 affected person before production. They do not provide time to object. They do not require
2 confidentiality. They do not restrict Plaintiff from publicly filing or disseminating any produced
3 information. They do not limit use to service of process.

4 A protective order is necessary because disclosure of identifying information is irreversible.
5 If Plaintiff receives the information before the Court resolves this Motion, the harm this Motion
6 seeks to prevent may already occur. The Court should therefore quash the subpoenas or stay
7 enforcement until a notice-and-objection protocol and confidentiality restrictions are in place.

8 **C. The subpoenas exceed the narrow Doe-identification purpose if used for merits,
9 jurisdictional, or party-expansion discovery.**

10 The Court authorized limited expedited discovery for the purpose of identifying Doe
11 Defendant 1. That limited purpose does not authorize merits discovery, jurisdictional discovery,
12 ownership discovery, alter-ego discovery, public accusation, or discovery to expand the case.
13 Historical identity-change information and unrestricted production to Plaintiff create a substantial
14 risk that subpoenaed information will be used beyond the narrow service-of-process purpose.

15 If Plaintiff seeks discovery for broader purposes, he should make that request directly and
16 satisfy the governing standards. He should not obtain broader discovery indirectly through
17 subpoenas authorized only for Doe identification. See Fed. R. Civ. P. 26(b)(1), 26(d)(1); *Columbia*
18 *Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 578-80 (N.D. Cal. 1999).

19 **D. If any production is allowed, it should be narrowly modified and protected.**

20 At minimum, any production should be limited to information necessary to identify and
21 serve Doe Defendant 1; should exclude historical identity-change information absent further order;
22 should be designated confidential; should be provided only after advance notice and an objection
23 period; should be filed under seal or redacted if referenced in court filings; and should not be used
24 for any purpose other than identifying and serving Doe Defendant 1 absent further order. See Fed.
25 R. Civ. P. 26(c)(1)(D), (G); D. Nev. LR IA 10-5(a); *Twitch Interactive*, 2019 U.S. Dist. LEXIS
26 132842, at *16.

V. CONCLUSION

For these reasons, Mr. Thomas respectfully requests that the Court quash the subpoenas or, alternatively, modify them and enter a protective order preserving the status quo, requiring affected-person notice, imposing confidentiality and redaction protections, and limiting use to the narrow Doe-identification purpose authorized by the Court.

Date: May 26, 2026

GESUND & PAILET, LLC

By: /s/ Keren E Gesund

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INDEX OF EXHIBITS

Exhibit	Document
A	Declaration of Keren E Gesund

CERTIFICATE OF SERVICE

I certify that on May 26, 2026, I caused the foregoing document to be served on all parties and affected subpoena recipients through the Court's CM/ECF system, electronic mail, and/or other means reasonably calculated to provide notice, including Plaintiff Anthony Mitchell.

/s/ Keren E Gesund