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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 **ANTHONY MITCHELL,**

11 Plaintiff,

12 v.

13 **EMORY ANDREW TATE III, et al.,**

14 Defendants.

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

PLAINTIFF'S OPPOSITION TO NON-PARTY  
NICHOLAS THOMAS' MOTION TO QUASH  
SUBPOENAS AND FOR PROTECTIVE ORDER  
(ECF NO. 46)

Hon. Jennifer A. Dorsey  
Magistrate Judge Brenda Weksler

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15 **PLAINTIFF'S OPPOSITION TO NON-PARTY NICHOLAS THOMAS' MOTION**  
16 **TO QUASH SUBPOENAS AND FOR PROTECTIVE ORDER (ECF NO. 46)**

17 **I. INTRODUCTION**

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21 Magistrate Judge Weksler authorized exactly the discovery Plaintiff served. The  
22 subpoenas to GoDaddy.com, LLC and Domains by Proxy, LLC (ECF No. 29) seek the  
23 registrant name, address, email, creation date, and dates of identity changes for  
24 fundraiser.com — the precise information needed to identify Doe Defendant 1. Non-Party  
25 Nicholas Thomas moves to quash or stay those subpoenas, but his motion omits the most  
26 material fact: after the subpoenas were served, fundraiser.com was transferred to a new  
27 registrar. ECF No. 40; ECF No. 41. That transfer is exactly why "dates of identity  
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1 changes" is necessary — and it is exactly why a stay must be denied. The motion should  
2 be denied in full.

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4 **II. THE SUBPOENAS ARE WITHIN THE SCOPE OF ECF NO. 26**

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6 ECF No. 26 authorized Plaintiff to serve "Rule 45 subpoenas for the purpose of obtaining  
7 information that may identify Doe Defendant 1." The order does not limit production to  
8 current service address. It authorizes information that *may identify* an unknown defendant.  
9 Thomas concedes that registrant name, address, and email are within scope. ECF No. 46  
10 at 4. His only dispute is "creation date" and "dates of identity changes." But ownership  
11 history is identification information — it reveals who controlled fundraiser.com and  
12 when, which is the definition of identifying Doe Defendant 1. Thomas's argument that  
13 ECF No. 26 authorizes only a current service address is a rewriting of the order the Court  
14 did not write. *See Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 578-80 (N.D.  
15 Cal. 1999) (authorizing registrar subpoenas to identify unknown defendants who operated  
16 commercial websites, including historical registration data).

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18 **III. "DATES OF IDENTITY CHANGES" IS ESSENTIAL — AND THE**  
19 **POST-SERVICE TRANSFER PROVES IT**

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21 Thomas's motion does not mention that fundraiser.com was transferred to a new registrar  
22 *after* the subpoenas were served. ECF No. 40 (WHOIS record reflecting post-service  
23 transfer); ECF No. 41 (Plaintiff's motion for expedited discovery documenting the  
24 evasion). That transfer is the reason "dates of identity changes" matters: without it,  
25 Plaintiff cannot determine who owned and controlled fundraiser.com before the transfer,  
26 or whether the transfer itself was designed to frustrate this Court's order. A subpoena  
27 authorized by a court order cannot be neutered by a post-service domain transfer.  
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1 Granting Thomas the exact relief he seeks — excluding historical identity-change records  
2 — would complete the evasion that ECF No. 41 is pending to address.

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4 **IV. THOMAS'S STANDING CONCESSION SPEAKS FOR ITSELF**

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6 Thomas invokes standing under *Walker v. Intelli-Heart Servs.*, 2019 U.S. Dist. LEXIS  
7 33821, \*11 (D. Nev. Mar. 4, 2019), which recognizes standing only where a movant  
8 asserts "a personal right or privilege in the subpoenaed information." By claiming that  
9 these specific registrar records for fundraiser.com implicate his personal privacy and  
10 confidentiality interests, Thomas has asserted the personal interest in fundraiser.com's  
11 registrant records that ECF No. 26 was designed to uncover. A non-party who denies  
12 being Doe Defendant 1 but simultaneously claims that his personal privacy is threatened  
13 by disclosure of who registered fundraiser.com has placed his own connection to that  
14 domain before the Court.

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16 **V. THE FINANCIAL INFORMATION ARGUMENT IS UNSUPPORTED**  
17 **SPECULATION**

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19 Thomas argues that creation date and identity-change records "may contain financial  
20 information (such as a credit card for ongoing payments) and/or social security numbers."  
21 ECF No. 46 at 4. This is speculation. The subpoenas request domain registration records  
22 — not payment records, billing history, or account financial data. Thomas submits no  
23 declaration from GoDaddy.com or Domains by Proxy, LLC establishing that the records  
24 sought contain any such information. Speculation about what records might  
25 hypothetically contain does not satisfy the burden under Fed. R. Civ. P. 45(d)(3) to  
26 demonstrate undue burden or a specific confidentiality harm. *See Lemberg Law LLC v.*  
27 *Hussin*, 2016 WL 3231300, at \*3 (N.D. Cal. June 13, 2016) (conclusory assertions of  
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1 | burden insufficient to quash subpoena). Moreover, the cases Thomas cites — *Twitch*  
2 | *Interactive* and *Uber Techs.* — involved anonymous social media users and rideshare  
3 | drivers with strong personal privacy interests. A commercial domain registrant operating  
4 | a fundraising platform does not occupy the same position.

5 |  
6 | **VI. A STAY WOULD REWARD POST-SERVICE EVASION AND SHOULD BE**  
7 | **DENIED**

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9 | Thomas requests a stay of all production pending resolution of this motion. But staying  
10 | production does not preserve the status quo — it completes the evasion. The domain was  
11 | transferred to a new registrar after the subpoenas were served (ECF No. 40), and  
12 | Plaintiff's motion for expedited discovery to address that transfer is currently pending  
13 | (ECF No. 41). A stay would allow Doe Defendant 1 to benefit from post-service evasive  
14 | conduct while the Court considers a motion whose primary effect is to delay production  
15 | indefinitely. Courts do not use Rule 26(c) protective orders to shield parties from  
16 | legitimate court-authorized discovery, and they do not reward evasion with a stay. The  
17 | Court should deny the stay request.

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19 | **VII. PLAINTIFF DOES NOT OPPOSE A CONFIDENTIALITY DESIGNATION**  
20 | **BUT OPPOSES THE MERITS USE BAN**

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22 | If the Court is inclined to impose any protection, Plaintiff does not oppose treating  
23 | produced records as confidential under D. Nev. LR IA 10-5. Plaintiff does, however,  
24 | oppose Thomas's request to prohibit use of subpoenaed information for "merits  
25 | allegations, public accusations, personal-jurisdiction arguments, alter-ego theories,  
26 | ownership theories, or party-expansion theories." ECF No. 46 at 3. That request would  
27 | transform a protective order into an order immunizing Doe Defendant 1 from being  
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1 named as a defendant at all. ECF No. 26 authorized discovery to *identify* Doe Defendant 1  
2 — once identified, that person is subject to the full litigation. Restricting use to "service  
3 of process only" contradicts the plain purpose of ECF No. 26 and would require Plaintiff  
4 to seek a second court order to use information the Court has already authorized him to  
5 obtain. Thomas cites no authority for this extraordinary relief, and it should be denied.

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7 **VIII. MR. MANIOTIS'S APPEARANCE IS RELEVANT TO PENDING**  
8 **ALTERNATIVE SERVICE MOTION (ECF NOS. 18, 42)**

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10 Thomas Maniotis, Esq. (Equity Legal, PLLC, Miami, FL), who has filed a Pro Hac Vice  
11 petition to appear as counsel for Non-Party Nicholas Thomas (ECF No. 45), is, upon  
12 information and belief, also counsel for Defendant Emory Andrew Tate III in a separate  
13 Florida proceeding in which Tate appears as a plaintiff. Plaintiff has a pending Motion for  
14 Alternative Service on Defendant Tate (ECF No. 18) and a Supplement thereto (ECF No.  
15 42). Under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950),  
16 service is constitutionally sufficient when it is "reasonably calculated, under all the  
17 circumstances, to apprise interested parties of the pendency of the action." An attorney  
18 who actively represents Defendant Tate in Florida and who has now entered this case on  
19 behalf of a non-party asserting a personal interest in fundraiser.com registrant records has  
20 actual knowledge of this action. Plaintiff brings this connection to the Court's attention in  
21 the interest of full disclosure and intends to raise it in connection with ECF Nos. 18 and  
22 42.

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24 **IX. CONCLUSION**

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27 The Court should deny Non-Party Nicholas Thomas's Motion to Quash Subpoenas and  
28 for Protective Order (ECF No. 46) in full. The subpoenas are within the scope of ECF No.

1 26. The "dates of identity changes" request is directly relevant to identifying Doe  
2 Defendant 1, particularly in light of the post-service domain transfer. Thomas's  
3 financial-information argument is unsupported speculation. A stay would reward evasion.  
4 The merits use ban has no legal basis and no supporting authority. If the Court imposes  
5 any restriction, Plaintiff requests that it be limited to a standard confidentiality  
6 designation under D. Nev. LR IA 10-5 only, with no restriction on Plaintiff's right to use  
7 the information to identify and proceed against Doe Defendant 1 in this litigation.

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9  
10 Respectfully submitted,

11  
12 /s/ Anthony Mitchell

13 **Anthony Mitchell**

14 Pro Se Plaintiff

15 618 Painted Opus Place

16 North Las Vegas, Nevada 89084

17 (702) 884-0472

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19  
20 Dated: May 26, 2026

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21 **CERTIFICATE OF SERVICE**

22  
23 I, Anthony Mitchell, hereby certify that on the date set forth above, I electronically filed  
24 the foregoing PLAINTIFF'S OPPOSITION TO NON-PARTY NICHOLAS THOMAS'  
25 MOTION TO QUASH SUBPOENAS AND FOR PROTECTIVE ORDER with the Clerk  
26 of the Court using the Court's CM/ECF system, which will provide electronic notice of  
27 filing to all counsel of record who have appeared in this action, including Shlomo S.  
28

1 Sherman, Esq. (Sherman Law, PLLC), counsel for Defendant Thrifty Consulting LLC,  
2 and Keren E. Gesund, Esq. (Gesund & Paillet, LLC), counsel for Movant Nicholas  
3 Thomas. All remaining Defendants have not yet appeared in this action through counsel  
4 of record.

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/s/ Anthony Mitchell  
**Anthony Mitchell**  
Pro Se Plaintiff