

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

YOUNES KABBAJ, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 12-1322-RGA-MPT  
 :  
 MARK SUTHERLAND SIMPSON, a/k/a, :  
 MARK SHERMAN SIMPSON, :  
 :  
 Defendant. :

**MEMORANDUM ORDER**

The Plaintiff has filed objections (D.I. 43) to the decision of the United States Magistrate Judge. (D.I. 42). The Defendant has responded. (D.I. 45). The matter is now before this Court.<sup>1</sup>

The Magistrate Judge had authority to make the decision pursuant to 28 U.S.C. § 636(b)(1)(A), which provides that “a [district] judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court [other than certain specified matters including injunctive relief, judgment on the pleadings, summary judgment, class action status, Rule 12(b)(6) motions, an involuntary dismissal].” Such a designation was made on December 19, 2012. The decision is also subject to review pursuant to 28 U.S.C. § 636(b)(1)(A), which further provides that the district judge “may reconsider any pretrial matter . . . where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.”

Thus, findings of fact are reviewed for clear error. Review of the factual determinations is limited to the record that was before the magistrate judge. Determinations of applicable legal standards are reviewed for error. There are also decisions that involve the exercise of discretion,

---

<sup>1</sup> The Plaintiff’s Motion for Leave to File Reply (D.I. 46) will be denied.

and discretionary decisions are reviewed for abuse of discretion. *See Cooper Hospital/University Med. Ctr. v. Sullivan*, 183 F.R.D. 119, 127 (D.N.J. 1998) (quoting another District of New Jersey case).

After full consideration of the objections and responses, the objections (D.I. 43) are **OVERRULED**, and the Magistrate Judge's recommendations are **ADOPTED. IT IS THEREFORE ORDERED** that:

1. Plaintiff's motion to compel disclosures (D.I. 14) is **DENIED**, and the subpoenas issued to Google, Amazon.com, GoDaddy, Domains by Proxy and Privacy Protection Services are **QUASHED**.

a. If plaintiff obtained any documents through these subpoenas, he shall return them to the ISP(s) above on or before April 22, 2013, and may not use those documents in this matter, absent any further court order. If plaintiff fails to abide by this order, the court will consider sanctions.

b. If discovery occurs in this matter, plaintiff shall not attempt service of any subpoena without first obtaining permission from the court, and the parties shall advise the opposition by providing copies of any subpoenas before any service.

c. The Clerk of the Court is directed to send a copy of this order to : Google Inc., C/O The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801, Amazon.com Inc., C/O Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, GoDaddy.com, Inc., Compliance Department, 14455 North Hayden Road, Suite 219, Scottsdale, AZ 85260, Domains by Proxy, LLC [[www.domainsbyproxy.com](http://www.domainsbyproxy.com)], 1474 N. Northsight Blvd., Suite 111, PMB 309, Scottsdale, AZ 85260, and Privacy Protection Services, Inc. [[www.whoisprivacyprotection.com](http://www.whoisprivacyprotection.com)], PMB 368, 14150 NE 20<sup>th</sup> St.-F1, Bellevue, WA 98007.

2. Plaintiff's motions and requests related to his proposed sur-reply brief (D.I. 26-27, 30, 32-33) are **DENIED**, and his proposed sur-reply brief (D.I. 26) is **REJECTED**; and
3. Plaintiff's motion to amend the amended complaint (D.I. 28) is **DENIED**.
4. Defendant's motion to strike plaintiff's motion to amend the amended complaint to add John Doe defendants (D.I. 29) is **DISMISSED AS MOOT**.
5. The Plaintiff's Motion for Leave to File Reply (D.I. 46) is **DENIED**.

April 8, 2013  
Date

  
\_\_\_\_\_  
United States District Judge