SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

PETER D. ANTONOPLOS et al., *Plaintiffs*, v. JOHN DOE, *Defendant*.	Case No. 2019 CA 002415 B Judge Robert R. Rigsby

ORDER

This matter is before the Court on Defendant's Special Motion to Quash Subpoena to Identify Defendant Doe ("Motion"), filed on May 22, 2019. For the reasons set forth below, Defendant's Motion is **DENIED.**

BACKGROUND

On April 9, 2019, Defendant published two identical reviews of Plaintiff Antonoplos and his law firm on Yelp.com and Google.com's online review platforms. The reviews describe an unpleasant consultation with Plaintiff Antonoplos and rate Plaintiff's firm as 'one-star' (the lowest grade available on a five-star scale). Plaintiffs allege that Defendant's statements are false. Specifically, Plaintiffs allege that Defendant published the reviews under a pseudonym, and that the consultation could not have taken place because Defendant's pseudonym does not appear in Plaintiff's records of previous consultations.

On April 12, 2019, Plaintiffs filed a three-count complaint for Defamation and Tortious Interference, requesting money damages and injunctive relief. Plaintiffs then obtained a California subpoena, which orders Yelp.com to release Defendant's identifying information to Plaintiffs. Defendant now moves to quash the subpoena pursuant to D.C. Code §§ 16-5503

("Anti-SLAPP Act").

DISCUSSION

Defendant argues that Doe's speech is protected by the Anti-SLAPP Act and further that Plaintiff has not shown that Doe's speech is actionable. Regardless of whether Defendant is correct, this Court is not vested with authority to quash a California subpoena, and therefore must deny the Motion.

The District of Columbia has adopted the Uniform Interstate Depositions and Discovery Act ("UIDDA"), which sets out procedural rules governing subpoenas issued by courts of foreign jurisdiction. *See*, D.C. Code § 13-441 *et seq.* In states that have adopted it, the UIDDA requires that "[a]ny motion practice associated with the discovery subpoena, such as a motion to enforce or quash a subpoena, must take place in the discovery state and is governed by the law of the discovery state." *Quinn v. Eighth Judicial Dist. Court in & for Cty. of Clark*, 410 P.3d 984, 988 (Nev. 2018); *see also Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, 770 S.E.2d 440, 445 (Va. 2015) ("Under the UIDDA, the place where discovery is sought to be conducted determines which circuit court issues and enforces a subpoena.") (internal citation omitted). Even outside the UIDDA, courts have held that subpoenas must be enforced or challenged in the court in which they were issued. *See Fischer Brewing Co. v. Flax,* 740 N.E.2d 351, 354 (Ohio 2000) ("Civ.R. 45(C)(3) states that only the court 'from which the subpoena was issued' shall have authority to quash a subpoena. Because the District of Columbia court issued the subpoena, only it has the right to quash the subpoena.").

The subpoena Defendant is challenging was issued by the Superior Court of California for the County of Santa Clara. It is entirely possible that Defendant could prevail on the merits of

their Motion, were it presented in the appropriate court, but that decision rests with the Court's esteemed colleagues in Santa Clara. Therefore, this Court must deny Defendant's Motion.

CONCLUSION

Accordingly, based on the entire record herein, it is this 24th day of July, 2019 hereby **ORDERED** that Defendant's Special Motion to Quash is **DENIED**.

Robert R. Rigsby, Associate Judge
Superior Court of the District of Columbia

Copies to all counsel of record via CaseFileXpress.