

STATE OF MAINE  
CUMBERLAND, ss

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-13-359

MARIE GUNNING,

Plaintiff

v.

ORDER

JOHN DOE,

Defendant

Before the court is plaintiff Marie Gunning's motion for alternate service and motion for leave to take depositions prior to service of an answer pursuant to Rule 30(a).

No objection has been filed to the motion for leave to take pre-answer depositions and that motion is granted.


The court has considered the motion for alternate service. The problem in this case is not that service cannot by due diligence be made by one of the methods prescribed under the M.R.Civ.P. 4. The problem in this case is that plaintiff does not know the identity of John Doe, and a California court has quashed a subpoena served by plaintiff on the internet host whose records would reveal that identity.

Whether the California court was right or wrong, service on counsel does not solve the problem. Counsel cannot be required to divulge the name of the anonymous client, and the court does not see how the case can be litigated or any relief awarded against an anonymous defendant whose identity is unknown.

The entry shall be:

Plaintiff's motion for leave to take depositions pursuant to Rule 30(a) is granted. Plaintiff's motion for alternate service is denied. The clerk is directed to incorporate this order in the docket by reference pursuant to Rule 79(a).

Dated: March 21, 2014

  
\_\_\_\_\_  
Thomas D. Warren  
Justice, Superior Court