

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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CLERK OF COURT
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In Re Subpoenas to
Boston College

Civil Action
No. 03- -MBD

03 MBD 10210

(United States District Court -
for the District of Columbia
Nos. 1:03MS00259,
1:03MS00278, and
1:03MC00872))

**MOTION OF BOSTON COLLEGE
TO QUASH SUBPOENAS AND FOR A PROTECTIVE ORDER
PURSUANT TO FED. R. CIV. P. 45(c)(3)(A)**

Pursuant to Fed. R. Civ. P. 45(c)(3)(A), Boston College moves to quash subpoenas duces tecum served upon it by Recording Industry Association of America, Inc., under provisions of the Digital Millennium Copyright Act, on the ground that the subpoenas are invalid because:

- they were issued by the United States District Court for the District of Columbia pursuant to 17 U.S.C. § 512(h)(6), for production of documents in Washington, D.C.
- 17 U.S.C. § 512(h)(6) requires that the procedure for delivery of subpoenas issued pursuant to 17 U.S.C. § 512(h) be governed “to the greatest extent practicable” by the provisions of the Federal Rules of Civil Procedure governing service of a subpoena duces tecum

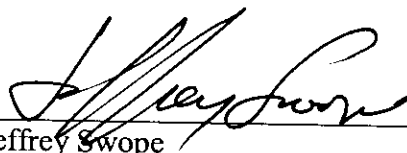
- the subpoenas violate Fed. R. Civ. P. 45(a)(2) and (b)(2) because they were served on Boston College in Chestnut Hill, Massachusetts, outside the district of the District Court for the District of Columbia, from which the subpoena was issued, and more than 100 miles from Washington, D.C., the place designated for production.

Boston College moves, in addition, for a protective order that, if and when it is required to produce documents pursuant to valid subpoenas, it be allowed reasonable time to notify any student whose documents are responsive to the subpoenas, to the extent that the documents sought by the subpoenas are ones that may constitute "education records" within the meaning of the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g(b)(2), which Boston College may not produce without providing prior written notice of the subpoena to the individual or individuals to whom such documents relate.

REQUEST FOR ORAL ARGUMENT

Boston College requests oral argument on this Motion because it believes such argument may assist the Court.

By its attorney,

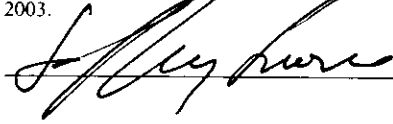


Jeffrey Swope
Palmer & Dodge LLP
111 Huntington Avenue
Boston, Massachusetts 02199
BBO No. 490760

Dated: July 21, 2003

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon Thomas J. Perrelli, Jenner & Block LLC, attorney of record for the Recording Industry Association of America, Inc., by telefacsimile on July 21, 2003.

A handwritten signature in black ink, appearing to read "J. Perrelli", is written over a horizontal line.