

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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| ARISTA RECORDS, et al., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-07-568-R |
| |) | |
| DOES 1-11, |) | |
| |) | |
| Defendants. |) | |

ORDER

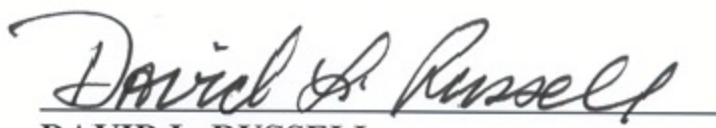
This matter comes before the Court on the Request for Status Conference and Response to Order to Show Cause, filed by Plaintiffs, on February 11, 2008. Therein Plaintiffs request that the Court conduct a status conference in light of the failure of a non-party, Oklahoma State University, to respond to subpoenas issued by Plaintiff in an effort to discover the identity of certain John Doe Defendants. According to the request, Oklahoma State University indicated that it would respond to the subpoenas but failed to do so. Oklahoma State University has never appeared before the Court to object to the subpoenas, and the Court previously denied a request by certain Defendants to quash the subpoena. Accordingly, Oklahoma State University is obligated to respond with the information requested, and OSU is hereby ordered to show cause why it should not be held in contempt for its failure to respond.

Rule 45(e) of the Federal Rules of Civil Procedure permits this Court to “hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena.”

A finding of contempt requires the Court to “find the party violated a specific and definite court order and the party had notice of the order.” *Lucre Management Group, LLC v. Schempp Real Estate, LLC*, 365 F.3d 874, 875 (10th Cir.2004) (citation omitted). ‘[F]or civil contempt the punishment is remedial, and for the benefit of the complainant.’ *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 441 (1911). The purpose of the penalty is to provide future compliance, and it is, therefore “avoidable through obedience.” *International Union v. Bagwell*, 512 U.S. 821, 827 (1944).

T&H Landscaping, LLC v. Colorado Structures, Inc., 2007 WL 485229, *1 (D. Colo. Feb. 12, 2007). The Court previously denied a motion to quash the subpoena and thus the non-party should have complied by providing the information requested. Accordingly, Oklahoma State University is hereby ordered to show cause why it should not be found in contempt for failing to comply with the subpoena issued by the Plaintiffs. The response shall be filed within eighteen days of entry of this order. The Clerk shall serve a copy of this order on Michael Scott Fern, Associate General Counsel for Oklahoma State University, 200 Student Union, Stillwater, Oklahoma 74078-7998.

IT IS SO ORDERED this 12th day of February 2008.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE