

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

SUSAN L. BURKE,)
)
 Plaintiff,) Civil Action No. 2012 CA 7525 B
)
 v.) Judge Ross – Calendar 6
)
 JOHN DOE No. 1 (using the name)
 “Zujua”) et al.,)
)
 Defendants.)

ORDER DENYING MOTION

Upon consideration of the John Doe No.1’s Motion for Protective Order and Special Motion to Quash Plaintiff’s Subpoena, the Court finding following:

Defendant fails to present a prima facia case that the writings at issue are protected under the D.C. Anti-Slapp statute. First, Ms. Burke, a private attorney, is not a “public figure” as that term is used in the D.C. statute. Although the statute does not define “public figure,” Ms. Burke is not a “general purpose public figure” or a “limited purpose public figure” as those terms are typically employed in the defamation case law. Second, Defendant has not provided prima facia evidence that his comments were not commercially motivated thus barring the application of the D.C. statute. Third, even if the Defendant is able to bring statements within the scope of the D.C. statute, Plaintiff’s claims are likely to succeed on the merits, and are therefore excluded from the D.C. statute. Finally, Defendant also seeks a protective order based on unsupported claims of annoyance, embarrassment, oppression or undue burden. Defendant offers no authority supporting a claim that the subpoena asking an anonymous person to identify himself is grounds for a protective order. **Accordingly**, it is this 30th day of January 2013, hereby

ORDERED, that the Motion for Protective Order and Special Motion to Quash
Plaintiff's Subpoena is **DENIED**.

IT IS SO ORDERED.

Maurice A. Ross

Judge Maurice A. Ross

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