

At IAS Part ___ of the Supreme Court of the State of New York, held in and for the County of Westchester, on the 1 day of December, 2020.

Present: Hon. MARY H. SMITH, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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In the Matter of the Petition of
ROBERT F. KENNEDY, JR.,

Petitioner,

For an Order pursuant to Section 3102(c) of the Civil Practice Law and Rules to compel pre-action disclosure from:

KOS MEDIA, LLC, d/b/a, DAILY KOS,

Respondent,

of the identity of the defendants JOHN DOE(s) being unknown to the Petitioner, in an action to be commenced.

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: **[PROPOSED]**
: **ORDER TO SHOW CAUSE**

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: Index No. **65319/2020**

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UPON the reading and filing of the Verified Petition of Robert F. Kennedy, Jr. dated November 30, 2020 (the "Petition") and the Affirmation of Craig Wenner dated November 30, 2020, and the attached exhibit:

LET Respondent Kos Media, LLC show cause at the Supreme Court of the State of New York, Westchester County, before the Honorable MARY H. SMITH, at Part ---, at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd, Westchester, New York 10601 on or before the 8th day of ~~December~~ January, 2020, at ~~---~~ on submission only o'clock in the ~~---~~ ---, or as soon thereafter as counsel can be heard, why an order granting pre-



action disclosure pursuant to CPLR § 3102(c) should not be issued compelling disclosure by Respondent of documents relevant to identifying the person(s) who use or have created, posted, or authored content under the pseudonym DowneastDem on the website Daily Kos (<https://www.dailykos.com/>).

Specifically, Respondent is directed to show cause why an order should not be entered authorizing the issuance of a subpoena *duces tecum* pursuant to CPLR § 3102(c), compelling Respondent to disclose copies of all documents in its possession, custody or control evidencing the identity of the Doe defendant(s), including but not limited to the contact information, name, address, telephone number, electronic email address(es), any Internet Protocol (“IP”) address(es), Media Access Control (MAC), internet connection or activity logs, account history including date and time of account creation, alternative pseudonyms, and any other information relevant to identifying the person(s) who have who use or have created, posted, or authored content under the pseudonym DowneastDem on the website Daily Kos (<https://www.dailykos.com/>).

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, it is **ORDERED** that service of a copy of this Order to Show Cause, and all supporting papers upon which same is based, be made on or before December 11, 2020 on Kos Media, LLC by

personal service, and shall be deemed good and sufficient service;

It is further **ORDERED** that answering papers, if any, in response to this Order to Show Cause shall be **filed on NYSCEF** ~~served upon Boies Schiller Flexner LLP, 55 Hudson Yards, 20th Floor, New York, NY 10001, as counsel for Petitioner Robert F. Kennedy, Jr. so as to be received on or~~ before January 4, 2021, 2020; and

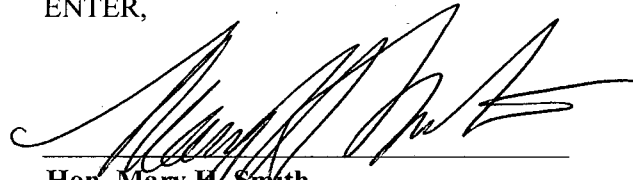

J.S.C.

It is further **ORDERED** that Petitioner shall serve reply papers in further support of its
on NYSCEF
Order to Show Cause ~~to be received by Respondent~~ by January 8, 2021, 2020.


U.S.C.

Dated: December 1, 2020
White Plains, NY

ENTER,



Hon. Mary H. Smith
Supreme Court Justice