

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)	
)	File Under Seal per
Plaintiff,)	July 12, 2007 Order
)	
VS.)	Case No. 3:05-00185
)	
TIMOTHY RYAN RICHARDS,)	Judge Trauger
)	
Defendant.)	

SUPPLEMENTAL MOTION TO QUASH SUBPOENAS,
REQUEST FOR SANCTIONS AND BRIEF IN SUPPORT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Kurt Eichenwald ("Eichenwald"), a non-party in the above-entitled and numbered cause, and subject to and without waiving his Motion to Quash Subpoenas and Request for Sanctions and pursuant to the Order on Motion for Leave of Court to File Documents Under Seal, files this his Supplemental Motion to Quash Subpoena, and in support thereof would respectfully show the Court as follows:

I.

1.1. On June 15, 2007, a Subpoena (the "Bank of America Subpoena") was issued to Bank of America ("Bank of America"), commanding production of Eichenwald's account information/documents with Bank of America on or before August 17, 2007. See Supplemental Appendix, NP20 Eichenwald and his attorney received notice from Bank of America on July 16, 2007 informing them that the Bank of America Subpoena was issued requiring the

production of records and/or information from Eichenwald's credit card accounts issued by Bank of America. See Supplemental Appendix, NP22.

1.2. On May 10, 2007, a Subpoena was issued to PayPal, commanding production of information and/or documents concerning Eichenwald. See Supplemental Appendix, 26. Eichenwald and his attorney first learned of this Subpoena on or about July 20, 2007.

1.3. On May 10, 2007, a Subpoena was issued to Yahoo!, commanding production of information and/or documents concerning Eichenwald. See Supplemental Appendix, 28. Eichenwald and his attorney first learned of this Subpoena on or about July 20, 2007.

II.

2.1. For all of the reasons outlined in Eichenwald's Motion to Quash Subpoenas and Request for Sanctions (filed on July 12, 2007), Eichenwald requests the Court quash the Bank of America Subpoena, as well as the PayPal Subpoena and Yahoo! Subpoena (to the extent they request information regarding Eichenwald), and impose sanctions.

2.2. Additionally, Eichenwald would request the Court order Defendant and his counsel to deliver to Eichenwald or his counsel all documents that have been produced pursuant to the Subpoenas, as well as any copies of same.

2.3. Finally, Eichenwald would request the Court order Defendant and his counsel to destroy any document containing any reference to any of the content of any documents produced pursuant to the Subpoenas and to certify to the Court within twenty-four hours that those documents have been destroyed.

WHEREFORE, PREMISES CONSIDERED, Eichenwald respectfully requests this Court enter an Order quashing the CitiBank Subpoena, the AOL Subpoena and the Bank of America Subpoena, as well as the PayPal Subpoena and Yahoo! Subpoena (to the extent they request information regarding Eichenwald), and order the appropriate sanctions. Eichenwald prays for such other and further relief, both general and special, at law or in equity, to which he may be justly entitled


Respectfully submitted,

Underwood, Perkins & Ralston, P.C.

/s/ Timothy S. Perkins

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Attorneys for Kurt Eichenwald

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all counsel of record, as listed below, via hand-delivery.

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