DISTRICT OF COLUMBIA COURT OF APPEALS

No. 10-CV-1523

SOFTWARE & INFORMATION INDUSTRY ASSOCIATION,
APPELLANT,
CAB3779-05

V.

SOLERS, INC.,
APPELLEE.

FILED
JAN 12 2012
DISTRICT OF COLUMBIA
COURT OF APPEALS

Appeal from the Superior Court
of the District of Columbia
Civil Division

(Hon. Judith N. Macaluso, Trial Judge)

(Argued November 17, 2011 Decided January 12, 2012)

Before FISHER, *Associate Judge*, and FARRELL and REID, *Senior Judges*.*

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: This case is before the court again following a remand. *See Solers, Inc. v. Doe*, 977 A.2d 941 (D.C. 2009) ("*Solers I*"). In brief, Solers, Inc. ("Solers"), seeks to enforce a subpoena requiring the Software & Information Industry Association ("SIIA") to reveal the identity of John Doe, an anonymous person who allegedly sent defamatory information about Solers to the association. In the earlier appeal, this court held that Solers must "present *evidence* supporting its claim of defamation" in order to overcome John Doe's First Amendment right to anonymous speech. *Solers I*, 977 A.2d at 959. Because Solers has failed to present sufficient evidence of harm, we reverse the trial court's decision ordering enforcement of the subpoena.

I. Factual and Procedural History

SIIA, a software industry trade association, manages a "Corporate Anti-Piracy program" that invites anonymous tipsters to report the unauthorized use of copyrighted

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* Judge Reid was an Associate Judge, Retired, at the time of argument. Her status changed to Senior Judge on December 12, 2011.