

1 Brett L. Gibbs, Esq. (SBN 251000)
Steele Hansmeier PLLC.
2 38 Miller Avenue, #263
Mill Valley, CA 94941
3 415-325-5900
blgibbs@wefightpiracy.com

4 *Attorney for Plaintiff*
5

6
7 IN THE UNITED STATES DISTRICT COURT FOR THE
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN FRANCISCO DIVISION

11 AF HOLDINGS LLC,)
12)
13 Plaintiff,)
14 v.)
15 DOES 1-96,)
16 Defendant(s).)

No. C-11-03335 JSC

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S RENEWED *EX PARTE*
APPLICATION FOR LEAVE TO
TAKE EXPEDITED**

17 **ORDER GRANTING PLAINTIFF'S RENEWED *EX PARTE* APPLICATION FOR LEAVE
18 TO TAKE EXPEDITED DISCOVERY**

19 Plaintiff filed a renewed *ex parte* application seeking leave to take expedited discovery prior
20 to the Rule 26 conference. *See* ECF No. 24. Having considered Plaintiff's papers and accompanying
21 submissions, the Court hereby **GRANTS** the renewed *ex parte* application on the grounds that
22 Plaintiff has demonstrated good cause to take early discovery to issue the subpoanas in this case.
23 *See Columbia Ins. Co. v. Seescandy.com*, 185 F.R.D. 573, 577-80 (N.D. Cal. 1999). Specifically,
24 Plaintiff has shown that limited discovery of this basic subscriber information is essential in
25 permitting Plaintiff to eventually identify Doe Defendant(s), and proceed with its case. *See id.*

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS ORDERED THAT:

1. Plaintiff may immediately serve Rule 45 subpoenas on the ISPs listed in Exhibit A to the Complaint (ECF No. 1) to obtain the following information about the subscribers corresponding to the IP addresses: the names, addresses, telephone numbers, email addresses, and media access control information. Each subpoena shall have a copy of this Order attached.
2. Each ISP will have thirty (30) days from the date a copy of this Order and a copy of the subpoena are served to respond, so that it may have sufficient time to provide notice to the subscribers whose information Plaintiff seeks to obtain.
3. Subscribers shall have thirty (30) days from the date of notice of the subpoena upon them to file any motions in this Court to contest the subpoena. If the thirty-day period lapses without a contest, the ISPs will have ten (10) days thereafter to produce the information responsive to the subpoena to Plaintiff.
4. The subpoenaed entity shall preserve any subpoenaed information pending the resolution of any time-filed motion to quash.
5. Any ISP that receives a subpoena pursuant to this Order shall confer with Plaintiff before assessing any charge in advance of providing the information requested in the subpoena. Any ISP that elects to charge for the costs of production shall provide Plaintiff with a billing summary and cost reports.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. Plaintiff shall serve a copy of this Order along with any subpoenas issued pursuant to this Order to the necessary entities.

7. Any information disclosed to Plaintiff in response to a Rule 45 subpoena may not be used for any improper purpose and may only be used for protecting its rights as set forth in the Amended Complaint.

This Order disposes of Docket No. 24.

IT IS SO ORDERED.

DATED: _____

Jacqueline Scott Corley
United States Magistrate Judge