

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

4: TWENTY MEDIA INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:12-cv-00031-RFD-CMH
	)	
SWARM SHARING HASH FILES	)	
6D59B29B0E51E9B5B4C0F9192CE99ED5EC5457E8,	)	
6FC0F9C7F041DC36283D54B1FA29E993EA3EC2A8,	)	JURY TRIAL DEMANDED
F1F946C2054A0F885AC01FB07A935F4F238DD391;	)	
AND DOES 1-1,341,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM IN SUPPORT OF MOTION FOR CLARIFICATION OF THE  
COURT’S APRIL 5, 2012 ORDER**

This action focuses on mass infringement of Plaintiff’s copyrighted Motion Picture by numerous as-of-yet unidentified defendants which Plaintiff initially identified by IP address. See Docket No.1 . To obtain the contact information for these Does, Plaintiff filed a motion for expedited discovery which explained the propriety of this action and the need for expedited discovery. Docket No. 2.

On January 25, 2012, this Court granted the motion for expedited discovery and allowed Plaintiff to serve subpoenas on the Does’ Internet Service Providers (“ISPs”). Docket No. 6. In response to initial motions to quash and similar motions filed by certain Does, this Court issued another order that explained how the ISPs should proceed with the production of contact information for moving and nonmoving Does:

**IT IS ORDERED** that should any John Doe file a motion to quash, motion for protective order, motion to dismiss or similarly styled motion seeking similar relief, **that specific John Doe’s information will be withheld** from the Plaintiff until after the Court rules on

that Doe's motion. **All other information requested by the subpoena at issue (e.g., contact information for any non-moving Does) can be produced by the ISP to Plaintiff;**

Docket No. 25 (emphasis added). Basically, the April 5 Order states that moving Does' information should be withheld until the Court rules on the pending motions, while all nonmoving Does' information should be produced. *Id.*

Pursuant to this Order, as motions to quash and similar motions have been filed by the Does, Plaintiff has forwarded this information on the ISPs, so the ISPs know which Does' information to withhold. For example, in an April 25 email, Comcast was notified of two of the filings by Doe defendants. Exhibit A. Comcast responded:

**From:** Demaio, Lena  
**Sent:** Wednesday, April 25, 2012 10:25 AM  
**To:** Sarah Burns  
**Cc:** Paul Lesko; Julie Bond  
**Subject:** RE: Even More 4:Twenty Media Motions for Redactions

Thanks, Sarah. We are in receipt of motions seeking to sever all of the doe defendants. Therefore, Comcast cannot release subscriber information until rulings are issued on those motions. Your updates are greatly appreciated.

*Id.* Plaintiff's law firm corresponded with Comcast concerning Comcast's misunderstanding of the Order, to which Comcast responded:

**From:** Demaio, Lena  
**Sent:** Wednesday, April 25, 2012 11:28 AM  
**To:** Sarah Burns  
**Cc:** Paul Lesko; Julie Bond  
**Subject:** RE: Even More 4:Twenty Media Motions for Redactions

Hi Sarah, the order your provided does not mention/address motions to sever all doe defendants. The sever motions were something that we discussed on February 23<sup>rd</sup> and Comcast cannot produce subscriber information if there is a motion that affects all doe defendants. **You may want to ask the court to clarify on those motions that seek to sever all doe defendants.**

*Id.* (emphasis added). It appears then that Comcast will only produce such information to Plaintiff if the Court provides such clarification.

Given that Comcast is withholding Doe information, if the Court can clarify that motions to sever fall within the scope of the Court's April 5, 2012 Order, additional motion practice would be unnecessary. To expedite this process, Plaintiff attaches a proposed order which modifies the April 5, 2012 Order by explicitly adding "motions to sever."

Dated: April 26, 2012

Respectfully submitted,  
4:TWENTY MEDIA INC.

By its Attorneys,  
SIMMONS BROWDER GIANARIS  
ANGELIDES & BARNERD LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2012, I electronically filed the foregoing document via the Court's ECF, electronic email system, upon all of record:

/s/ Paul A. Lesko  
Attorney for Plaintiff 4:Twenty Media Inc.