

Koplan, J

MEMO ENDORSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THIRD WORLD MEDIA, LLC,

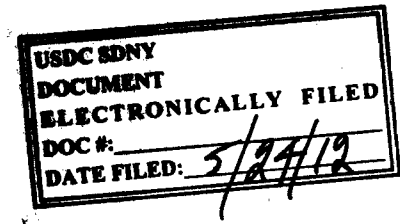
Plaintiff,

-against-

JOHN DOES 1-75,

Defendants.
-----X

12 Civ. 3981



**[PROPOSED] ORDER ON MOTION FOR
LEAVE TO TAKE DISCOVERY PRIOR TO A RULE 26(f) CONFERENCE**

THIS CAUSE came before the Court upon Plaintiff's Motion for Leave to Take Discovery Prior to a Rule 26(f) Conference (the "Motion"), and the Court does hereby:

FIND, ORDER AND ADJUDGE:

1. Plaintiff established that good cause exists for it to serve third party subpoenas on the Internet Service Providers (the "ISPs") listed on Exhibit A to the Declaration of Peter Bechthold submitted in support of the Motion.

2. Plaintiff may serve each of the ISPs with a Rule 45 subpoena commanding each ISP to provide Plaintiff with the true name, address, e-mail address and Media Access Control ("MAC") address of the Defendant to whom the ISP assigned an IP address as set forth on that Exhibit A. Plaintiff shall attach to any such subpoena a copy of this Order.

3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any service provider that is identified in response to a subpoena as a provider of internet services to one of the Defendants.

4. Each of the ISPs that qualify as a "cable operator", as defined by 47 U.S.C. § 522(5), shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

A cable operator may disclose such [personal identifying] information if the disclosure is...made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.

by sending a copy of this Order to the Defendant.

5. The subpoenaed ISPs shall not require Plaintiff to pay any fee in advance of providing the subpoenaed information; nor shall the subpoenaed ISPs require Plaintiff to pay a fee for an IP address that is not controlled by such ISP, or for duplicate IP addresses that resolve to the same individual, or for an IP address that does not provide the name of a unique individual, or for the ISP's internal costs to notify its customers.

6. Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on an ISP for the purpose of protecting and enforcing Plaintiff's rights as set forth in its Complaint.

DONE AND ORDERED this ___ day of _____, 2012.

By _____
United States District Judge



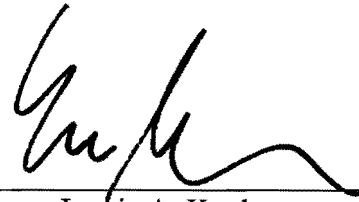
Memorandum Endorsement

Third World Media, LLC v. Does 1-75 12 Civ. 3981 (LAK)

The plaintiff shall show cause, on or before June 15, 2012, why this action should not be dismissed or severed as to Does 2-75. *See, e.g.,* Digital Sins, Inc. v. John Does 1-245, No. 11 Civ. 8170 (CM) (S.D.N.Y. filed May 15, 2012). The motion for leave to take discovery prior to a Rule 26(f) conference [DI 2] is denied without prejudice to renewal after disposition of the order to show cause.

SO ORDERED.

Dated: May 23, 2012

A handwritten signature in black ink, appearing to read 'L. Kaplan', written over a horizontal line.

Lewis A. Kaplan
United States District Judge