

**Mulvihill & Rushie LLC**  
By: A. Jordan Rushie  
Pa Id. 209066  
2424 East York Street • Suite 316  
Philadelphia, PA 19125  
215.385.5291

ATTORNEYS FOR PLAINTIFF

**In the Court of Common Pleas  
First Judicial District of Pennsylvania**

Liberty Media Holdings LLC, <i>Plaintiff,</i>  v.  John Does I-265, <i>Defendants.</i>	Jury Trial Demanded  Term 2012  No.
-------------------------------------------------------------------------------------------------------	-------------------------------------------------

**Praecipe to Issue Writ of Summons.**

To the Prothonotary:

Please issue a Writ of Summons in the above-captioned action.

Respectfully Submitted,

A. Jordan Rushie  
**Mulvihill & Rushie LLC**  
2424 East York Street • Suite 316  
Philadelphia, PA 19125

ATTORNEYS FOR PLAINTIFF

C.P.97

Commonwealth of Pennsylvania  
CITY AND COUNTY OF PHILADELPHIA

SUMMONS  
CITACION

Liberty Media Holdings LLC

COURT OF COMMON PLEAS

\_\_\_\_\_ Term, 20<sup>12</sup>

No. \_\_\_\_\_

vs.

John Does 1-441, Identified by IP addresses in  
attached Exhibit A.

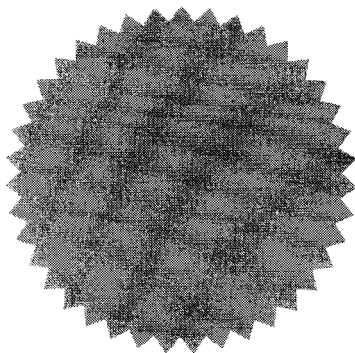
To<sup>(1)</sup>

John Does 1-441, Identified by IP  
addresses in attached Exhibit A.

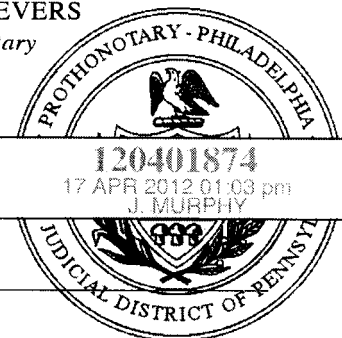
You are notified that the Plaintiff<sup>(2)</sup>  
*Usted esta avisado que el demandante<sup>(2)</sup>*

Liberty Media Holdings LLC

Has (have) commenced an action against you.  
*Ha (han) iniciado una accion en contra suya.*



JOSEPH H. EVERS  
*Prothonotary*



By \_\_\_\_\_

120401874  
17 APR 2012 01:03 pm  
J. MURPHY

Date \_\_\_\_\_

<sup>(1)</sup> Name(s) of Defendant(s)

<sup>(2)</sup> Name(s) of Plaintiff(s)

**COURT OF COMMON PLEAS**

\_\_\_\_\_Term, 20 12 No. \_\_\_\_\_

Liberty Media Holdings LLC

vs.

John Does 1-441, Identified by IP addresses  
in attached Exhibit A.

**SUMMONS**

## Exhibit A

Host IP address	Hit Date(UTC)	ISP
24.62.3.50	2011-10-31 04:35 AM	Comcast Cable
24.18.233.139	2011-10-31 07:31 PM	Comcast Cable
69.244.148.138	2011-11-01 06:46 PM	Comcast Cable
24.16.231.107	2011-11-02 08:40 AM	Comcast Cable
71.59.189.44	2011-11-02 10:04 AM	Comcast Cable
24.19.26.176	2011-11-02 05:55 PM	Comcast Cable
71.56.119.154	2011-11-02 05:32 AM	Comcast Cable
69.251.253.65	2011-11-03 12:26 AM	Comcast Cable
98.210.11.89	2011-11-03 02:33 AM	Comcast Cable
71.201.49.214	2011-11-03 09:27 PM	Comcast Cable
71.58.0.93	2011-11-04 12:31 PM	Comcast Cable
67.182.244.250	2011-11-05 05:06 AM	Comcast Cable
174.52.169.57	2011-11-07 03:49 PM	Comcast Cable
76.24.192.192	2011-11-07 03:53 PM	Comcast Cable
24.21.97.202	2011-11-07 08:41 AM	Comcast Cable
24.1.115.213	2011-11-07 04:06 AM	Comcast Cable
69.251.199.118	2011-11-07 04:51 AM	Comcast Cable
76.26.132.11	2011-11-07 05:09 AM	Comcast Cable
71.199.13.228	2011-11-08 08:06 AM	Comcast Cable
68.84.78.225	2011-11-08 01:10 PM	Comcast Cable
76.103.142.134	2011-11-08 05:04 PM	Comcast Cable
107.5.95.184	2011-11-08 12:55 AM	Comcast Cable
75.70.13.20	2011-11-08 12:00 AM	Comcast Cable
174.55.130.68	2011-11-08 09:39 PM	Comcast Cable
24.131.79.45	2011-11-09 04:49 AM	Comcast Cable
76.16.51.24	2011-11-09 06:25 AM	Comcast Cable
24.118.194.183	2011-11-12 11:02 PM	Comcast Cable
71.62.92.42	2011-11-12 01:57 PM	Comcast Cable
71.227.219.246	2011-11-12 04:32 AM	Comcast Cable
66.30.12.248	2011-11-13 01:03 AM	Comcast Cable
24.10.169.119	2011-11-13 02:09 AM	Comcast Cable
69.137.171.142	2011-10-30 02:11 AM	Comcast Cable
69.244.148.138	2011-10-30 12:40 AM	Comcast Cable
71.237.113.17	2011-10-31 06:26 AM	Comcast Cable
98.222.80.187	2011-10-31 02:46 PM	Comcast Cable
71.58.0.93	2011-10-31 10:20 AM	Comcast Cable
71.194.213.72	2011-11-01 03:36 AM	Comcast Cable
98.218.232.81	2011-11-01 02:17 AM	Comcast Cable
98.203.25.88	2011-11-01 12:00 AM	Comcast Cable
67.162.85.172	2011-11-02 07:29 AM	Comcast Cable
98.217.0.171	2011-11-02 04:06 PM	Comcast Cable

98.197.160.137	2011-11-03 08:19 AM	Comcast Cable
24.98.225.151	2011-11-03 03:18 PM	Comcast Cable
98.213.83.250	2011-11-04 04:25 AM	Comcast Cable
68.58.67.157	2011-11-05 02:43 AM	Comcast Cable
24.20.246.60	2011-11-05 02:48 AM	Comcast Cable
66.41.166.206	2011-11-05 03:50 PM	Comcast Cable
69.181.145.123	2011-11-05 05:24 AM	Comcast Cable
24.21.97.202	2011-11-10 06:30 PM	Comcast Cable
67.185.16.112	2011-11-11 10:45 AM	Comcast Cable
24.118.48.147	2011-11-12 02:51 AM	Comcast Cable
68.83.249.180	2011-11-12 05:26 AM	Comcast Cable
71.197.234.229	2011-11-12 06:05 PM	Comcast Cable
69.136.190.7	2011-11-12 06:05 AM	Comcast Cable
98.232.14.246	2011-11-13 09:45 AM	Comcast Cable
76.23.122.74	2011-11-13 02:10 AM	Comcast Cable
71.59.189.44	2011-11-14 09:24 AM	Comcast Cable
76.124.111.133	2011-11-14 10:13 PM	Comcast Cable
76.114.202.41	2011-11-14 12:09 PM	Comcast Cable
98.193.16.225	2011-11-15 11:32 AM	Comcast Cable
174.51.103.237	2011-11-15 04:40 AM	Comcast Cable
24.19.150.235	2011-11-15 03:11 AM	Comcast Cable
76.26.174.168	2011-11-16 12:07 AM	Comcast Cable
71.229.112.220	2011-11-16 02:44 AM	Comcast Cable
68.83.168.63	2011-11-16 02:18 AM	Comcast Cable
98.246.145.246	2011-11-16 03:32 AM	Comcast Cable
98.214.150.240	2011-11-16 01:07 PM	Comcast Cable
69.246.25.236	2011-11-16 11:23 AM	Comcast Cable
24.61.15.202	2011-11-17 01:08 AM	Comcast Cable
98.212.194.179	2011-11-17 04:18 AM	Comcast Cable
24.131.19.11	2011-11-17 02:16 AM	Comcast Cable
98.202.105.55	2011-11-18 03:53 AM	Comcast Cable
71.201.49.214	2011-11-18 01:05 AM	Comcast Cable
71.204.160.210	2011-11-18 04:04 AM	Comcast Cable
76.120.15.74	2011-11-18 12:07 AM	Comcast Cable
98.193.89.164	2011-11-19 12:00 AM	Comcast Cable
69.181.40.65	2011-11-21 01:44 AM	Comcast Cable
71.236.21.16	2011-11-29 06:26 PM	Comcast Cable
98.227.104.229	2011-11-29 06:24 PM	Comcast Cable
75.73.75.146	2011-11-29 06:20 PM	Comcast Cable
107.3.149.198	2011-11-29 06:29 PM	Comcast Cable
76.119.110.227	2011-11-29 10:18 PM	Comcast Cable
68.42.125.39	2011-11-29 08:51 PM	Comcast Cable

76.100.69.136	2011-11-29 06:32 PM	Comcast Cable
98.196.56.230	2011-11-30 12:00 AM	Comcast Cable
67.175.200.198	2011-12-05 05:28 PM	Comcast Cable
71.232.91.50	2011-12-05 05:19 PM	Comcast Cable
68.50.143.223	2011-12-06 01:17 AM	Comcast Cable
98.206.151.1	2011-12-06 01:45 AM	Comcast Cable
75.65.135.31	2011-12-06 11:45 AM	Comcast Cable
98.248.228.128	2011-12-06 11:44 AM	Comcast Cable
98.252.65.121	2011-12-06 04:57 AM	Comcast Cable
67.160.219.73	2011-11-29 06:00 PM	Comcast Cable
98.196.56.230	2011-11-29 02:52 PM	Comcast Cable
69.143.106.222	2011-11-29 05:23 PM	Comcast Cable
67.163.50.116	2011-11-30 07:00 AM	Comcast Cable
98.227.120.59	2011-11-30 06:05 AM	Comcast Cable
67.171.235.110	2011-11-30 12:00 AM	Comcast Cable
68.50.143.223	2011-11-30 02:55 AM	Comcast Cable
24.7.166.219	2011-11-30 06:04 AM	Comcast Cable
98.194.227.7	2011-11-30 12:08 AM	Comcast Cable
76.17.117.59	2011-11-30 02:15 AM	Comcast Cable
67.173.146.11	2011-12-02 04:20 AM	Comcast Cable
98.193.213.133	2011-12-02 07:51 AM	Comcast Cable
107.3.76.214	2011-12-02 12:10 AM	Comcast Cable
75.73.55.222	2011-12-03 12:16 AM	Comcast Cable
71.229.112.220	2011-12-03 07:04 AM	Comcast Cable
69.181.145.123	2011-12.-05 09:08 AM	Comcast Cable
24.19.56.232	2011-12-05 11:00 AM	Comcast Cable
68.41.140.255	2011-10-29 06:29 PM	Comcast Cable
24.98.225.151	2011-10-30 05:41 PM	Comcast Cable
69.142.219.202	2011-10-31 07:51 PM	Comcast Cable
68.58.109.63	2011-10-31 02:39 AM	Comcast Cable
69.243.157.215	2011-10-31 04:43 PM	Comcast Cable
76.126.126.196	2011-10-31 07:25 AM	Comcast Cable
68.58.67.157	2011-11-01 10:04 PM	Comcast Cable
76.102.43.86	2011-11-01 04:36 AM	Comcast Cable
67.189.45.85	2011-11-01 10:55 PM	Comcast Cable
174.54.128.120	2011-11-02 03:40 AM	Comcast Cable
24.218.27.126	2011-11-02 03:09 AM	Comcast Cable
98.239.104.42	2011-11-04 01:45 AM	Comcast Cable
24.20.246.60	2011-11-04 06:18 AM	Comcast Cable
24.98.223.61	2011-11-04 03:39 AM	Comcast Cable
98.193.16.225	2011-11-04 11:27 AM	Comcast Cable
68.58.237.61	2011-11-04 03:02 PM	Comcast Cable

174.52.169.57	2011-11-05 11:39 PM	Comcast Cable
98.213.94.178	2011-11-05 12:39 PM	Comcast Cable
76.117.135.143	2011-11-05 08:34 AM	Comcast Cable
24.61.15.202	2011-11-05 05:54 PM	Comcast Cable
98.201.101.34	2011-11-05 09:20 PM	Comcast Cable
98.249.9.45	2011-11-05 06:42 PM	Comcast Cable
50.131.14.187	2011-11-05 07:43 AM	Comcast Cable
71.193.222.32	2011-11-05 06:45 AM	Comcast Cable
76.17.195.101	2011-11-06 08:41 AM	Comcast Cable
24.98.33.22	2011-11-06 07:17 AM	Comcast Cable
71.59.189.44	2011-11-06 11:21 AM	Comcast Cable
24.126.76.103	2011-11-06 08:56 PM	Comcast Cable
98.197.198.185	2011-11-06 08:55 PM	Comcast Cable
69.181.50.105	2011-11-07 05:20 AM	Comcast Cable
75.69.11.68	2011-11-07 03:14 AM	Comcast Cable
71.59.157.103	2011-11-07 09:43 AM	Comcast Cable
98.201.150.142	2011-11-07 12:36 AM	Comcast Cable
67.168.212.190	2011-11-08 01:16 AM	Comcast Cable
24.21.97.202	2011-11-08 12:00 AM	Comcast Cable
76.106.41.12	2011-11-08 01:36 AM	Comcast Cable
71.237.113.17	2011-11-08 08:59 AM	Comcast Cable
68.82.31.101	2011-11-08 05:57 AM	Comcast Cable
67.189.147.8	2011-11-08 02:49 PM	Comcast Cable
76.28.213.253	2011-11-08 09:27 PM	Comcast Cable
174.62.115.130	2011-11-13 05:24 AM	Comcast Cable
98.239.153.107	2011-11-13 03:27 AM	Comcast Cable
67.180.238.194	2011-11-13 06:36 AM	Comcast Cable
71.202.41.139	2011-11-13 07:44 AM	Comcast Cable
76.109.81.99	2011-11-13 03:13 AM	Comcast Cable
67.191.188.43	2011-11-13 03:02 AM	Comcast Cable
68.35.209.158	2011-11-16 03:38 AM	Comcast Cable
76.103.61.49	2011-11-29 11:37 PM	Comcast Cable
98.229.113.74	2011-11-29 11:34 PM	Comcast Cable
76.112.145.119	2011-11-29 11:24 PM	Comcast Cable
68.54.229.4	2011-11-29 11:43 PM	Comcast Cable
98.218.1.186	2011-11-29 05:30 PM	Comcast Cable
24.3.21.138	2011-11-29 04:50 PM	Comcast Cable
76.108.170.231	2011-11-29 03:50 PM	Comcast Cable
76.100.123.194	2011-11-29 11:17 PM	Comcast Cable
98.253.50.25	2011-11-29 05:33 PM	Comcast Cable
71.60.188.195	2011-11-29 05:30 PM	Comcast Cable
98.248.228.128	2011-11-30 11:18 AM	Comcast Cable



76.19.161.234	2011-11-30 11:13 AM	Comcast Cable
98.212.194.179	2011-11-30 09:14 AM	Comcast Cable
24.18.34.196	2011-11-30 06:40 AM	Comcast Cable
174.48.250.231	2011-11-30 05:49 AM	Comcast Cable
98.240.67.40	2011-11-30 05:28 AM	Comcast Cable
24.3.18.180	2011-11-30 09:13 AM	Comcast Cable
67.160.29.205	2011-11-30 07:11 AM	Comcast Cable
98.220.23.140	2011-11-30 06:56 AM	Comcast Cable
68.84.104.102	2011-11-30 12:22 AM	Comcast Cable
50.129.226.185	2011-11-30 12:00 AM	Comcast Cable
76.115.75.141	2011-11-30 02:55 AM	Comcast Cable
98.232.185.114	2011-11-30 02:30 AM	Comcast Cable
76.112.211.92	2011-11-30 02:24 AM	Comcast Cable
68.40.104.242	2011-11-30 05:11 AM	Comcast Cable
67.172.134.150	2011-11-30 03:45 AM	Comcast Cable
76.16.251.122	2011-11-30 03:12 AM	Comcast Cable
98.245.246.108	2011-11-30 01:24 AM	Comcast Cable
174.52.151.246	2011-11-30 01:14 AM	Comcast Cable
24.17.15.19	2011-11-30 12:43 AM	Comcast Cable
69.245.1.182	2011-11-30 02:15 AM	Comcast Cable
98.194.207.194	2011-11-30 02:01 AM	Comcast Cable
98.223.170.193	2011-11-30 01:39 AM	Comcast Cable
67.172.122.15	2011-12-01 04:42 AM	Comcast Cable
98.249.104.170	2011-12-01 04:17 AM	Comcast Cable
98.245.240.72	2011-12-01 03:43 AM	Comcast Cable
76.30.123.49	2011-12-01 12:18 PM	Comcast Cable
67.169.19.241	2011-12-01 09:41 AM	Comcast Cable
69.251.152.48	2011-12-01 09:12 AM	Comcast Cable
107.3.135.198	2011-12-01 01:09 PM	Comcast Cable
24.12.140.136	2011-12-02 09:46 PM	Comcast Cable
98.243.215.85	2011-12-02 03:29 PM	Comcast Cable
98.230.56.188	2011-12-02 03:51 AM	Comcast Cable
69.143.25.65	2011-12-02 12:03 AM	Comcast Cable
24.23.244.81	2011-12-04 08:59 PM	Comcast Cable
24.62.60.212	2011-12-05 03:30 AM	Comcast Cable
98.228.0.139	2011-12-05 12:00 AM	Comcast Cable
174.58.6.21	2011-12-07 10:44 AM	Comcast Cable
67.173.54.67	2011-10-07 12:07 AM	Comcast Cable
24.118.24.199	2011-10-10 12:45 PM	Comcast Cable
67.176.168.10	201-10-13 01:05 AM	Comcast Cable
98.242.186.85	2011-10-14 12:25 AM	Comcast Cable
75.65.59.254	2011-10-14 05:05 AM	Comcast Cable

71.200.160.48	2011-10-23 07:51 AM	Comcast Cable
76.113.247.188	2011-10-26 12:00 AM	Comcast Cable
71.59.187.17	2011-10-26 08:32 PM	Comcast Cable
76.118.202.2	2011-10-29 01:10 AM	Comcast Cable
68.83.249.180	2011-11-22 03:55 AM	Comcast Cable
76.109.154.248	2011-11-22 09:02 PM	Comcast Cable
67.186.163.136	2011-11-23 07:52 PM	Comcast Cable
98.232.194.205	2011-11-23 09:09 PM	Comcast Cable
50.131.16.215	2011-11-24 02:40 PM	Comcast Cable
24.17.153.170	2011-11-26 02:27 AM	Comcast Cable
67.170.208.34	2011-11-26 05:44 AM	Comcast Cable
71.204.186.169	2011-11-26 07:18 AM	Comcast Cable
76.123.3.176	2011-11-26 09:16 PM	Comcast Cable
76.107.7.55	2011-11-27 01:40 AM	Comcast Cable
71.236.187.64	2011-11-27 10:55 AM	Comcast Cable
67.184.105.187	2011-11-29 11:17 PM	Comcast Cable
24.21.246.25	2011-11-30 01:01 AM	Comcast Cable
68.48.249.91	2011-12-01 01:50 AM	Comcast Cable
24.218.28.170	2011-12-04 12:28 AM	Comcast Cable
76.103.9.149	2011-12-05 02:12 AM	Comcast Cable
71.229.144.51	2011-12-06 03:19 PM	Comcast Cable
76.98.245.194	2011-11-29 11:10 PM	Comcast Cable
67.160.219.73	2011-11-29 11:26 PM	Comcast Cable
76.24.113.211	2011-11-29 11:18 PM	Comcast Cable
24.245.40.122	2011-11-29 03:20 PM	Comcast Cable
68.35.68.74	2011-11-29 04:52 PM	Comcast Cable
24.7.178.30	2011-11-30 06:30 PM	Comcast Cable
24.131.19.11	2011-11-30 10:05 AM	Comcast Cable
76.98.254.35	2011-11-30 09:40 AM	Comcast Cable
67.164.32.143	2011-11-30 05:07 AM	Comcast Cable
68.32.136.153	2011-11-30 12:50 AM	Comcast Cable
50.133.225.38	2011-11-30 03:02 AM	Comcast Cable
98.228.50.9	2011-11-30 12:07 AM	Comcast Cable
24.7.166.219	2011-11-30 06:08 AM	Comcast Cable
71.192.175.9	2011-11-30 08:42 AM	Comcast Cable
68.63.66.194	2011-12-01 04:14 AM	Comcast Cable
68.36.122.151	2011-12-01 04:43 AM	Comcast Cable
67.171.235.110	2011-12-01 06:17 PM	Comcast Cable
24.98.32.24	2011-12-02 08:18 AM	Comcast Cable
76.21.33.226	2011-12-02 10:55 AM	Comcast Cable
98.230.56.188	2011-12-02 02:40 AM	Comcast Cable
71.61.18.14	2011-12-02 03:11 PM	Comcast Cable

66.41.167.160	2011-12-02 09:45 PM	Comcast Cable
98.200.146.249	2011-12-02 12:25 AM	Comcast Cable
98.220.10.146	2011-12-03 08:42 AM	Comcast Cable
67.173.52.14	2011-12-03 11:27 AM	Comcast Cable
68.53.80.60	2011-12-03 12:08 PM	Comcast Cable
66.56.20.172	2011-12-03 11:22 PM	Comcast Cable
66.30.61.35	2011-12-03 10:38 PM	Comcast Cable
75.73.53.66	2011-12-03 02:46 AM	Comcast Cable
71.235.47.88	2011-12-03 07:02 AM	Comcast Cable
24.4.36.255	2011-12-04 12:00 AM	Comcast Cable

Host IP address	Hit Date(UTC)	ISP
174.62.77.249	2012.01.30 11:41 PM	Comcast Cable
71.201.68.36	2012.01.30 05:21 PM	Comcast Cable
76.127.138.192	2012.01.31 09:28 AM	Comcast Cable
71.227.173.75	2012.02.01 07:11 AM	Comcast Cable
174.61.160.104	2012.02.01 11:46 AM	Comcast Cable
76.103.91.101	2012.02.01 12:06 PM	Comcast Cable
76.26.8.170	2012.02.01 01:31 PM	Comcast Cable
98.211.44.146	2012.02.01 01:57 AM	Comcast Cable
68.48.190.95	2012.02.01 03:01 AM	Comcast Cable
71.232.232.68	2012.02.01 01:54 PM	Comcast Cable
68.62.201.160	2012.02.01 09:47 AM	Comcast Cable
98.201.135.200	2012.02.01 04:52 AM	Comcast Cable
71.233.55.147	2012.02.01 06:06 AM	Comcast Cable
98.201.93.204	2012.02.01 05:33 PM	Comcast Cable
98.210.153.137	2012.02.02 10:24 AM	Comcast Cable
174.55.183.118	2012.02.02 06:02 PM	Comcast Cable
76.98.205.144	2012.02.02 06:55 AM	Comcast Cable
67.180.9.72	2012.02.02 10:44 AM	Comcast Cable
76.112.234.27	2012.02.02 05:18 AM	Comcast Cable
66.41.70.233	2012.02.02 08:27 AM	Comcast Cable
98.228.234.202	2012.02.02 03:39 AM	Comcast Cable
75.64.63.167	2012.02.02 06:19 AM	Comcast Cable
50.138.14.18	2012.02.02 07:13 PM	Comcast Cable
98.201.173.184	2012.02.02 03:42 PM	Comcast Cable
71.62.39.126	2012.02.02 04:06 PM	Comcast Cable
67.173.176.20	2012.02.02 02:50 AM	Comcast Cable
67.180.246.181	2012.02.03 05:45 AM	Comcast Cable
67.190.219.254	2012.02.03 12:13 PM	Comcast Cable
50.135.123.88	2012.02.03 01:57 PM	Comcast Cable
50.138.90.193	2012.02.03 10:54 PM	Comcast Cable
71.193.238.135	2012.02.03 10:25 AM	Comcast Cable
69.248.163.60	2012.02.03 05:38 PM	Comcast Cable
71.204.180.24	2012.02.03 03:19 PM	Comcast Cable
24.7.12.185	2012.02.03 07:34 AM	Comcast Cable

24.99.129.129	2012.02.04 08:55 AM	Comcast Cable
98.194.139.147	2012.02.04 08:25 AM	Comcast Cable
75.72.36.80	2012.02.04 01:23 PM	Comcast Cable
76.21.212.251	2012.02.04 06:31 AM	Comcast Cable
24.129.41.159	2012.02.04 05:11 AM	Comcast Cable
76.31.236.19	2012.02.04 12:58 AM	Comcast Cable
24.20.43.72	2012.02.04 03:17 AM	Comcast Cable
24.118.49.154	2012.02.04 08:34 AM	Comcast Cable
174.51.15.224	2012.02.04 09:20 AM	Comcast Cable
67.170.155.37	2012.02.04 05:16 AM	Comcast Cable
24.7.202.229	2012.02.04 09:32 AM	Comcast Cable
173.164.198.6	2012.02.04 09:15 AM	Comcast Cable
24.1.206.5	2012.02.04 05:26 AM	Comcast Business Communications
71.227.177.203	2012.02.05 09:16 AM	Comcast Cable
24.99.103.130	2012.02.05 09:16 PM	Comcast Cable
75.69.193.166	2012.02.05 05:49 PM	Comcast Cable
98.207.115.124	2012.02.05 03:41 AM	Comcast Cable
69.245.21.74	2012.02.05 04:28 PM	Comcast Cable
71.63.238.74	2012.02.05 07:07 AM	Comcast Cable
24.0.77.161	2012.02.05 12:54 AM	Comcast Cable
75.151.58.93	2012.02.05 11:15 AM	Comcast Business Communications
174.59.37.205	2012.02.05 01:52 PM	Comcast Cable
68.61.0.136	2012.02.05 10:20 PM	Comcast Cable
76.121.187.92	2012.02.06 07:52 PM	Comcast Cable
24.15.193.98	2012.02.06 12:30 AM	Comcast Cable
68.55.186.48	2012.02.06 06:19 AM	Comcast Cable
71.224.159.15	2012.02.06 09:34 PM	Comcast Cable
71.206.160.198	2012.02.06 05:58 PM	Comcast Cable
24.128.245.101	2012.02.07 11:36 PM	Comcast Cable
68.33.182.81	2012.02.07 05:04 AM	Comcast Cable
68.61.68.170	2012.02.07 03:00 AM	Comcast Cable
68.38.250.1	2012.02.07 05:38 AM	Comcast Cable
67.182.212.69	2012.02.07 05:37 AM	Comcast Cable
71.206.202.23	2012.02.07 06:40 AM	Comcast Cable
67.177.4.174	2012.02.08 05:37 AM	Comcast Cable

67.161.186.120	2012.02.08 02:53 PM	Comcast Cable
24.128.189.32	2012.02.08 03:51 AM	Comcast Cable
68.33.189.172	2012.02.08 07:48 PM	Comcast Cable
98.210.123.62	2012.02.08 08:49 PM	Comcast Cable
24.61.139.74	2012.02.08 03:43 AM	Comcast Cable
76.21.212.70	2012.02.08 05:39 AM	Comcast Cable
98.252.84.194	2012.02.09 12:31 AM	Comcast Cable
68.63.139.38	2012.02.09 12:07 AM	Comcast Cable
24.22.29.108	2012.02.09 03:07 PM	Comcast Cable
98.254.195.114	2012.02.09 07:29 PM	Comcast Cable
174.48.171.241	2012.02.09 10:27 PM	Comcast Cable
76.109.183.215	2012.02.09 07:23 PM	Comcast Cable
67.185.16.254	2012.02.10 03:50 PM	Comcast Cable
71.204.157.168	2012.02.10 02:33 PM	Comcast Cable
24.10.225.69	2012.02.10 09:36 PM	Comcast Cable
76.21.248.109	2012.02.10 11:38 PM	Comcast Cable
67.175.162.89	2012.02.10 04:03 AM	Comcast Cable
69.251.206.240	2012.02.10 10:14 PM	Comcast Cable
71.197.169.37	2012.02.10 12:03 AM	Comcast Cable
76.103.49.147	2012.02.10 12:31 AM	Comcast Cable
98.252.146.23	2012.02.10 04:03 AM	Comcast Cable
76.115.101.170	2012.02.10 04:32 AM	Comcast Cable
76.115.56.111	2012.02.10 05:43 AM	Comcast Cable
68.35.247.227	2012.02.10 07:27 AM	Comcast Cable
71.197.66.161	2012.02.10 06:48 PM	Comcast Cable
24.20.218.62	2012.02.10 06:27 PM	Comcast Cable
67.174.199.102	2012.02.10 04:34 AM	Comcast Cable
75.73.80.254	2012.02.10 09:36 AM	Comcast Cable
24.22.72.26	2012.02.10 12:34 AM	Comcast Cable
76.24.26.177	2012.02.11 05:13 AM	Comcast Cable
98.202.12.122	2012.02.11 12:21 PM	Comcast Cable
75.68.235.221	2012.02.11 01:20 PM	Comcast Cable
98.195.122.221	2012.02.11 11:29 PM	Comcast Cable
98.244.182.8	2012.02.11 05:04 AM	Comcast Cable
71.196.156.78	2012.02.11 03:24 AM	Comcast Cable

76.120.135.114	2012.02.11 03:14 PM	Comcast Cable
24.130.112.113	2012.02.11 12:41 AM	Comcast Cable
98.204.153.165	2012.02.11 01:32 PM	Comcast Cable
68.36.169.204	2012.02.11 09:53 PM	Comcast Cable
68.49.52.196	2012.02.11 03:39 PM	Comcast Cable
68.50.140.209	2012.02.11 06:13 AM	Comcast Cable
76.125.18.166	2012.02.11 03:01 PM	Comcast Cable
24.62.101.33	2012.02.12 01:24 PM	Comcast Cable
24.218.146.114	2012.02.12 06:30 AM	Comcast Cable
24.16.101.128	2012.02.12 05:02 AM	Comcast Cable
173.12.98.230	2012.02.12 07:47 PM	Comcast Business Communications
50.129.10.239	2012.02.12 08:59 PM	Comcast Cable
24.245.3.14	2012.02.12 11:14 PM	Comcast Cable
71.59.242.98	2012.02.12 12:55 AM	Comcast Cable
98.252.165.91	2012.02.12 02:46 AM	Comcast Cable
69.181.54.185	2012.02.12 07:24 PM	Comcast Cable
24.61.187.110	2012.02.13 03:29 AM	Comcast Cable
107.3.168.14	2012.02.13 12:20 AM	Comcast Cable
98.219.56.42	2012.02.13 03:14 AM	Comcast Cable
71.59.7.29	2012.02.13 08:59 AM	Comcast Cable
24.7.123.209	2012.02.13 08:18 AM	Comcast Cable
98.197.116.85	2012.02.14 01:25 PM	Comcast Cable
67.191.65.135	2012.02.14 04:02 PM	Comcast Cable
67.162.194.242	2012.02.14 10:53 PM	Comcast Cable
24.18.118.63	2012.02.14 11:55 PM	Comcast Cable
174.55.165.113	2012.02.14 09:37 AM	Comcast Cable
70.89.66.61	2012.02.14 05:50 PM	Comcast Business Communications
67.186.41.198	2012.02.15 03:53 AM	Comcast Cable
68.52.5.169	2012.02.15 07:21 AM	Comcast Cable
75.145.115.77	2012.02.15 05:53 AM	Comcast Business Communications
98.242.218.223	2012.02.15 09:06 AM	Comcast Cable
24.23.241.112	2012.02.15 05:44 AM	Comcast Cable
98.234.26.211	2012.02.15 04:25 PM	Comcast Cable
76.97.48.93	2012.02.15 08:50 PM	Comcast Cable
98.208.8.233	2012.02.15 01:19 AM	Comcast Cable

76.22.60.198	2012.02.15 11:04 PM	Comcast Cable
67.167.163.207	2012.02.15 02:53 AM	Comcast Cable
67.161.178.225	2012.02.15 12:00 AM	Comcast Cable
24.9.232.102	2012.02.15 02:27 AM	Comcast Cable
98.239.88.189	2012.02.15 07:54 AM	Comcast Cable
24.21.128.122	2012.02.15 07:15 AM	Comcast Cable
67.173.228.11	2012.02.16 09:42 PM	Comcast Cable
69.181.60.100	2012.02.16 08:15 AM	Comcast Cable
71.228.233.235	2012.02.16 06:09 AM	Comcast Cable
71.238.52.18	2012.02.16 01:12 AM	Comcast Cable
98.244.55.162	2012.02.16 08:51 AM	Comcast Cable
71.197.96.239	2012.02.16 09:48 PM	Comcast Cable
98.246.240.66	2012.02.16 11:56 PM	Comcast Cable
24.5.42.67	2012.02.16 08:09 PM	Comcast Cable
68.82.158.160	2012.02.16 01:33 PM	Comcast Cable
71.204.188.114	2012.02.16 11:09 PM	Comcast Cable
75.65.6.49	2012.02.16 03:50 PM	Comcast Cable
76.113.208.75	2012.02.16 11:38 PM	Comcast Cable
76.99.55.76	2012.02.16 08:42 AM	Comcast Cable
98.218.1.81	2012.02.16 09:11 AM	Comcast Cable
75.149.178.34	2012.02.16 08:09 AM	Comcast Business Communications
24.127.171.241	2012.02.16 04:08 PM	Comcast Cable
50.78.253.49	2012.02.16 04:13 PM	Comcast Business Communications
174.48.120.105	2012.02.16 11:18 PM	Comcast Cable
76.108.120.176	2012.02.16 12:24 AM	Comcast Cable
98.235.129.242	2012.02.17 04:01 AM	Comcast Cable
67.175.52.165	2012.02.17 09:42 AM	Comcast Cable
67.164.191.53	2012.02.17 09:06 AM	Comcast Cable
24.7.2.214	2012.02.17 07:25 AM	Comcast Cable
76.103.80.176	2012.02.17 10:14 AM	Comcast Cable
65.96.164.225	2012.02.17 09:57 AM	Comcast Cable
24.147.161.203	2012.02.17 09:51 AM	Comcast Cable
98.233.221.104	2012.02.17 03:20 AM	Comcast Cable
24.1.147.209	2012.02.17 05:48 AM	Comcast Cable
24.13.158.145	2012.02.17 07:26 AM	Comcast Cable



98.244.207.87  
76.21.208.98

2012.02.17 12:42 AM  
2012.02.17 01:18 PM

Comcast Cable  
Comcast Cable

**FILED**

17 APR 2012 03:46 pm

**Civil Administration****J. EVERS**

**In the Court of Common Pleas of Philadelphia  
Civil Trial Division**

Liberty Media Holdings, LLC, <i>Plaintiff,</i>	Jury Trial Demanded
v.	Term 2012
John Does I-441, <i>Defendants.</i>	No.

**Order.**

Today, this \_\_\_\_\_ day of \_\_\_\_\_ 2012, this Court hereby orders that plaintiff's Motion for Leave to Take Pre-Complaint Discovery is granted.

In light of the Cable TV Privacy Act of 1984, 47 USC §551, plaintiff may issue a subpoena to internet service provider Comcast to obtain subscriber identification information relating to the IP addresses attached as EXHIBIT A to this Order.

Upon receipt of this subpoena, Comcast will provide notice of the subpoena to its subscribers under the Cable TV Privacy Act. Comcast will then turn over the information plaintiff requests after waiting 20 days, under the guidelines provided by Pa.R.Civ.P. 4009.21.

This Court has contemplated the Cable TV Privacy Act and this order specifically complies with the Act's requirements.

BY THE COURT:

\_\_\_\_\_  
, J.

By: A. Jordan Rushie  
 Jordan@FishtownLaw.com  
 Pa. Id. 209066  
 Mulvihill & Rushie LLC  
 2424 East York Street • Suite 316  
 Philadelphia, PA 19125  
 215.385.5291 Attorneys for Plaintiff

**In the Court of Common Pleas of Philadelphia  
 Civil Trial Division**

Liberty Media Holdings, LLC, <i>Plaintiff,</i>	Jury Trial Demanded
v.	Term 2012
John Does 1-441, <i>Defendants.</i>	No.

**Motion for Hearing to Take Pre-Complaint Discovery  
 Under Pa.R.Civ.P. 4003.8**

Plaintiff Liberty Media Holdings, LLC, though its attorney A. Jordan Rushie of Mulvihill & Rushie LLC, moves this honorable Court to grant its Motion for Leave to Take Pre-Complaint Discovery under Pa. R. Civ. P. 4008.3. Plaintiff states the following in support of its motion:

1. Plaintiff is a California LLC that produces and distributes adult films.
2. Plaintiff began this action on Tuesday, April 17, 2012, by filing a Writ of Summons against John Does 1-441.
3. Plaintiff believes that defendants, John Does 1-441, have illegally shared its content via the internet.
4. Defendants John Does 1-441, to date, have been identified only by internet protocol (IP) addresses.

Liberty Media Holdings LLC v. John Does 1-441  
Motion for Leave to Take Pre-Complaint Discovery Under Pa.R.Civ.P. 4003.8

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- 4.1. An IP address is a numerical label assigned to a device (like a computer) that participates in a computer network that uses the internet protocol for communication.
- 4.2. An IP address is a unique identifying number for a computer connection that is assigned by an internet service provider to an internet service subscriber. It is similar to a telephone number.
5. Plaintiff does not possess information identifying defendants other than 441 IP address.
6. To file a sufficient complaint against the Doe defendants, plaintiff must conduct pre-complaint discovery so it may:
  - 6.1. Identify defendants;
  - 6.2. Serve defendants; and
  - 6.3. Notify defendants of the claims against them.
7. Pa.R.Civ.P. 4003.8 provides that a plaintiff may obtain pre-complaint discovery where the information plaintiff seeks is material and necessary to the filing of the complaint. Furthermore, the rule requires that the discovery will not cause unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party.
8. In *McNeil v. Jordan*,<sup>1</sup> the Pennsylvania Supreme Court explained the standard for obtaining pre-complaint discovery:

To obtain pre-complaint discovery, a litigant should be required to demonstrate his good faith as well as probable cause that the information sought is both material and necessary to the filing of a complaint in a pending action. A plaintiff should describe with reasonable detail the materials sought, and state with

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<sup>1</sup> 586 Pa. 413, 443 (Pa. 2006). This standard was later codified in Rule 4003.8

particularity probable cause for believing the information will materially advance his pleading, as well as averring that, but for the discovery request, he will be unable to formulate a legally sufficient pleading. Under no circumstance should a plaintiff be allowed to embark upon a “fishing expedition,” or otherwise rely on an amorphous discovery process to detect a cause of action he lacks probable cause to anticipate prior to the pre-complaint discovery process under this standard. The reasonableness of a given request, as well as the existence of probable cause and the good faith of the party seeking discovery, are matters for the trial court to determine in the exercise of its sound discretion.

9. In this case, the John Doe defendants’ identities are material and necessary to the filing of a complaint.
10. The defendants’ identities are necessary to advance this case to the point where plaintiff may file a legally sufficient complaint; the defendants’ identities are essential to name and properly serve them. Pre-complaint discovery is essential to learn the identities of the persons behind these IP addresses.
11. This is not a “fishing expedition” like that which the Supreme Court cautioned against in *McNeil*. In this case, plaintiff already possesses the IP addresses of those individuals who have downloaded and shared its content without permission.
12. This pre-complaint discovery request is reasonable. Plaintiff seeks leave to subpoena Comcast, an internet service provider, to learn the identities of the owners of the IP addresses that have downloaded and shared plaintiff’s materials by downloading and sharing its content without making proper payment to plaintiff.

Liberty Media Holdings LLC v. John Does 1-441  
*Motion for Leave to Take Pre-Complaint Discovery Under Pa.R.Civ.P. 4003.8*

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13. Without the identities of the owners of the IP addresses already in plaintiff's possession, it cannot file a sufficient complaint, nor can it properly serve all defendants under Pa.R.Civ. P. 400.

WHEREFORE, plaintiff Liberty Media Holdings, LLC, requests that this Court grant its Motion for Leave to take Pre-Complaint Discovery and enter the proposed order that accompanies this Motion.

RESPECTFULLY SUBMITTED,



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A. Jordan Rushie  
Jordan@FishtownLaw.com  
Pa. Id. 209066  
Mulvihill & Rushie LLC  
2424 East York Street • Suite 316  
Philadelphia, PA 19125  
215.385.5291

By: A. Jordan Rushie  
 Jordan@FishtownLaw.com  
 Pa. Id. 209066  
 Mulvihill & Rushie LLC  
 2424 East York Street • Suite 316  
 Philadelphia, PA 19125  
 215.385.5291

Attorneys for Plaintiff

**In the Court of Common Pleas of Philadelphia  
 Civil Trial Division**

Liberty Media Holdings, LLC, <i>Plaintiff,</i>  v.  John Does 1-441, <i>Defendants.</i>	Jury Trial Demanded   Term 2012  No.
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**Plaintiff's Memorandum of Law Supporting its Motion for Leave  
 to Take Pre-Complaint Discovery Under Pa.R.Civ.P. 4003.8**

*Summary of the Argument: A plaintiff may obtain pre-complaint discovery where the information it seeks is material and necessary to file its complaint, and the discovery will not cause unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party. The Court may require a plaintiff requesting this pre-complaint discovery to particularly state how it will materially advance the preparation of a complaint. In this case, begun by a writ of summons, plaintiff has in its possession a list of Internet Protocol (IP) addresses of John Does who illegally downloaded and shared plaintiff's content. Plaintiff requests that this Court grant its motion so it may obtain the identities of John Does 1-441 from the internet service provider Comcast, and properly initiate legal proceedings to vindicate its rights against those who illegally shared plaintiff's content. Defendants will not be steamrolled or surprised by this discovery request, as the Cable TV Privacy Act of 1984 provides that any internet service provider notify customers before it discloses identifying information.*

Liberty Media Holdings LLC v. John Does I-441

*Plaintiff's Memorandum of Law in Support of its Motion for Leave to Take Pre-Complaint Discovery Under Pa.R.Civ.P. 4003.8*

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**1. Matter before the Court.**

Before this Court is plaintiff's request for leave of court to take pre-complaint discovery to serve a subpoena upon Comcast, a cable TV and internet service provider in Pennsylvania..

**2. Statement of Question Involved.**

Question: This is a case where pre-complaint discovery is necessary to identify the proper defendants against whom plaintiff may file a legally-sufficient complaint. In such a case, should the Court grant a request for leave of court to take pre-complaint discovery, that plaintiff may obtain the identities of the defendant to file a complaint?

Suggested Answer: Yes.

**3. Facts.**

**3.1. Introduction.**

A flash mob of ski-masked thieves barge into an electronics store. They run over to the DVD rack, stuff their pockets, then promptly run out the door. But these thieves weren't the sharpest tools in the shed — each was wearing a shirt with their home telephone number prominently printed on the back of it. And unfortunately for them, they didn't realize that a video camera in the store recorded the entire incident. The police, reviewing the surveillance footage, see the phone numbers, link the phone numbers to the thieves, and prosecute them for theft.

Now imagine that happened over the internet, and you understand precisely what happened here.

In this case, a swarm of individuals, believing they were anonymous, downloaded and shared plaintiff's content using BitTorrent, an on-line file-sharing protocol. While they thought their anonymity would shield them from being identified, they missed something.



Just like the ski masked mob, each of the John Doe defendants in this case left behind the electronic equivalent of their phone number printed on the back of their shirt – their internet protocol (IP) address.<sup>2</sup>

With this motion, plaintiff asks this Court to provide it with the tools to electronically unmask the 441 John Doe defendants. Plaintiff desires to serve a subpoena on Comcast Cable to link the IP addresses to the individuals behind them, based on its belief that the users of these IP addresses downloaded and distributed plaintiff's content.

**3.2. The Parties – A Pornography Company and 441 Doe Defendants.**

Plaintiff Liberty Media Holdings is a California Limited Liability Company doing business as CORBIN FISHER®. Liberty Media produces, markets, and distributes adult entertainment products, including Internet website content, videos, DVDs, photographs, etc. Plaintiff operates and maintains a website by and through which individuals who pay a monthly subscription fee can view its photographic and audiovisual works.

Defendant Does I-441 are individuals whose true names and addresses are unknown to Plaintiff. These Doe defendants duplicated and distributed unauthorized and infringing copies of plaintiff's motion pictures. Plaintiff has obtained the internet protocol addresses assigned to the individual defendants.

Plaintiff can only further identify the individuals who downloaded and shares plaintiff's material by using pre-complaint discovery.

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<sup>2</sup> An IP address is similar to a telephone number. It is a numerical label assigned to any device (like a computer or printer) that participates in a computer network that uses the internet protocol for communication. It is an identifier that links internet communication to the individual responsible for the internet account.

### **3.3. Plaintiff's Request for Pre-Complaint Discovery.**

As part of this pre-complaint discovery investigation, plaintiff intends to subpoena Comcast, an internet service provider, to determine the identity of each internet subscriber assigned the corresponding IP address on the date and time of infringement.

The information which plaintiff will request in subpoenas to be directed to Comcast is governed by 47 U.S.C. §551 (The Cable TV Privacy Act of 1984). The Cable TV Privacy Act prohibits cable operators from disclosing a subscriber's identifying information without either 1) the subscriber's express consent; or 2) a court order that specifically authorizes the disclosure.<sup>3</sup>

Accordingly, plaintiff requests that this Court issue the attached order instructing Comcast Cable to produce all documents or information sufficient to identify the user or users of the respective IP addresses as listed in Exhibit A during the corresponding dates and times.

Additionally, plaintiff asks permission to conduct pre-complaint discovery on each user identified by these internet service providers to determine whether the actual subscriber performed the acts complained of, or it was some other individual with access to the subscriber's internet connection.

### **3.4. Internet Service Providers, Internet Protocol Addresses, and How This Court Will Help Unmask the Defendants.**

The infringement and other wrongful acts at issue in this action occurred online. In order execute the illegal acts complained of, a user must connect to the internet.

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<sup>3</sup> The Act requires the ISP notify the subscriber of any such order. See 47 U.S.C. § 551(c)(2)(B).

Liberty Media Holdings LLC v. John Does I-441

*Plaintiff's Memorandum of Law in Support of its Motion for Leave to Take Pre-Complaint Discovery Under Pa.R.Civ.P. 4003.8*

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Individuals gain access to the internet through an internet service provider (ISP). When an ISP provides internet access to a subscriber, it does so through a modem located at the subscriber's home or office. Each time the subscriber accesses the Internet, the ISP provides a unique number to the subscriber called an Internet protocol (IP) address. This is somewhat akin to a telephone number. The IP address for a subscriber may stay the same (a static IP address) or it may change from time to time (a dynamic IP address). An ISP generally records the times and dates it assigns each IP address to a subscriber.

Internet theft of content relies on the ability to identify the computers to and from information streams, which users search and exchange files. The technology identifies those computers through the IP address from which the computer connects to the Internet. In this manner, plaintiff identified the IP addresses from which individuals connected to the internet to unlawfully access plaintiff's works, make electronic copies of those works, and further distribute those works.

Plaintiff recorded the exact date and time individuals used various IP addresses to access the internet to illegally download, copy, and redistribute plaintiff's copyrighted work.

Anyone can perform a simple search on public databases to determine which Internet access provider controls a specific IP address. Plaintiff now seeks to subpoena Comcast, an ISP, to determine the name and address of the subscribers to whom they assigned the various IP addresses recorded.

### **3.5. Defendants Are Using BitTorrent to Steal Plaintiff's Works in a Virtual Flashmob Known as a Swarm.**

Defendants downloaded and shared plaintiff's material via BitTorrent. BitTorrent is a mechanism through which internet users may share data electronically, and it is a notorious vehicle for internet piracy. Digital motion pictures are among the many types of files shared by BitTorrent users.

Instead of the stereotypical ideal of an internet user downloading a file from a single source, the BitTorrent protocol allows users to join a **swarm**, a group of connections from which they may to download and upload from each other simultaneously.

The life cycle of a file shared using BitTorrent begins with just one individual — the initial propagator, sometimes called a **seed** user or **seeder**. The initial propagator intentionally elects to share a file with a torrent swarm. The original file, in this case, contains plaintiff's entire copyrighted work.

Other members of the swarm connect to the seed to download the file. This download creates an exact digital copy of plaintiff's copyrighted work on each of the downloaders' computers. As additional thieves request the same file, each additional thief joins the collective swarm, and each new thief receives the same or different pieces of the file from each other thief in the swarm who has already downloaded any part of the file.

Eventually, once the initial propagator has distributed each piece of the file to at least one other thief, so that together the pieces downloaded by members of the swarm comprises the whole motion picture when reassembled, the initial propagator may leave the swarm, and the remaining thieves can still obtain a full copy of the motion picture by exchanging the pieces of the motion picture that each one has.

Essentially, these swarms work as a virtual flash mob, working together to facilitate the theft and unauthorized sharing of plaintiff's

works. Just as the courts hold the individuals in a mob of DVD thieves stealing DVDs from a brick-and-mortar store responsible for their theft, this court should allow plaintiff to proceed and hold the John Doe defendants responsible for theirs. The only difference here is the masked defendants are operating over the internet.

**3.6. Procedural Background and the Reasons for this Request for Pre-Complaint Discovery.**

On Tuesday, April 17, 2012, plaintiff filed an action by writ of summons against 441 John Doe defendants, who have so far been identified by IP address only. Plaintiff believes that these John Doe defendants are Comcast customers.

To properly identify and serve the defendants who illegally shared plaintiff's content, plaintiff must conduct pre-complaint discovery to subpoena the IP address holders' identities. Plaintiff files this motion and ask that this Court grant its request for leave to file pre-complaint discovery for the following reasons:

- A. Pre-complaint discovery is necessary in this case to obtain the information material and necessary to the filing of the complaint—specifically defendants' identities. Plaintiff cannot file a legally sufficient pleading without identifying the defendants as persons, rather than simply as IP addresses;
- B. This request is not a fishing expedition, nor is it meant to cause unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party. Once this Court grants plaintiff's motion, plaintiff will serve Comcast with a subpoena. Under the Cable TV Privacy Act of 1984 (47 USC §551), Comcast must notice the Doe defendants of the subpoena. After notice, Com-

cast will provide plaintiff with the subscribers' identifying information;

- C. Defendants will not be steamrolled or surprised by this action. Under the Cable TV Privacy Act of 1984, 47 U.S.C. §551(c)(2)(b), a cable provider who provides identifying information regarding a customer must first provide notice to the subscriber before it discloses any such information. This includes internet service providers.

Plaintiff addresses each of these elements in turn in Argument.

#### **4. Argument.**

##### **4.1. Pre-complaint Discovery is Necessary to File a Legally Sufficient Complaint. Though this Discovery, Plaintiff Will Ascertain John Doe Defendants' Identities.**

Plaintiff requires pre-complaint discovery to learn defendants' identities, that it may properly serve them with civil process.

Plaintiff does not yet have any other identifying information of defendants other than IP address, which uniquely identify the John Doe defendants. To prosecute its claims to protect its intellectual property, plaintiff must learn the defendants' identities. These identities can be discerned by pre-complaint discovery.

Pre-complaint discovery is governed by Pa.R.Civ.P. 4003.8. Rule 4003.8 provides that a plaintiff may obtain pre-complaint discovery where (1) the information sought is material and necessary to the filing of the complaint; and (2) the discovery will not cause unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party.

In *McNeil v. Jordan*,<sup>4</sup> the Pennsylvania Supreme Court explained the standard for obtaining pre-complaint discovery:

To obtain pre-complaint discovery, a litigant should be required to demonstrate his good faith as well as probable cause that the information sought is both material and necessary to the filing of a complaint in a pending action. A plaintiff should describe with reasonable detail the materials sought, and state with particularity probable cause for believing the information will materially advance his pleading, as well as averring that, but for the discovery request, he will be unable to formulate a legally sufficient pleading. ... The reasonableness of a given request, as well as the existence of probable cause and the good faith of the party seeking discovery, are matters for the trial court to determine in the exercise of its sound discretion.

In this case, the identities of the John Doe defendants is material and necessary to the filing of a complaint against them. Plaintiff seeks the identities of John Doe defendants that have so far been identified only by IP address. Once Comcast provides the identities of these defendants to the plaintiff, then plaintiff will be able to properly name and serve the defendants with process under Pa.R.Civ.P. 400. Furthermore, without this specific identifying information, plaintiff will be wholly unable to prosecute its claims for conversation against defendants.

This request is made in good faith, as plaintiff has already identified, by IP address, those defendants who have illegally downloaded and shared its content.

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<sup>4</sup> 586 Pa. 413, 443 (Pa. 2006). This standard was later codified in Rule 4003.8

Additionally, there are no other practical measures plaintiff could take to identify the Doe defendants. Plaintiff is aware of no available information that would identify the infringing users, other than information maintained by their internet service provider. Because of the nature of internet transactions, plaintiff has no way of determining Doe defendants' identities except through a third-party subpoena.

Other courts have indicated that a plaintiff requesting early discovery to identify defendants should justify specific requests and explain how such requests will lead to identifying information about a defendant that would make service of process possible".<sup>5</sup> The process explained above shows precisely how plaintiff's request will lead to the identification of defendants that will make service possible.

Sometimes, the internet subscriber is not the proper defendant in an action like as this. Plaintiff may seek to depose and issue interrogatories to the internet subscriber identified by the ISPs to determine whether any specific subscriber is a proper defendant in this action. Plaintiff believes that pre-complaint discovery under Pa.R.Civ.P 4003.8 is the only proper method to made this determination.

Therefore, plaintiff respectfully requests that this Court finds that it has satisfied the Supreme Court's requirements for pre-complaint

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<sup>5</sup> *Columbia Ins. Co. v. Seescandy.com*, 185 F.R.D. 573, 580 (N.D. Cal 1999). The *Columbia* court additionally explained that "[s]ervice of process can pose a special dilemma for plaintiffs in cases ... in which the tortuous activity occurred entirely on-line." 185 F.R.D. at 580. For a further discussion of John Doe defendants, see *Gillespie v. Civiletti*, 629 F. 2d 637, 642 (9th Cir. 1980) ("As a general rule, the use of 'John Doe' to identify a defendant is not favored. However, situations arise ... where the identity of alleged defendants will not be known prior to the filing of a complaint. In such circumstances, the plaintiff should be given an opportunity through discovery to identify the unknown defendants, unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds.") (internal citations omitted).