

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

K-BEECH, INC.,

Plaintiff,

v. Civil Action No. 3:11CV469-JAG

JOHN DOES 1-85,

Defendants.

ORDER

THIS MATTER is before the Court on the plaintiff's Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference (Dk. No. 2). Upon due consideration, the motion is hereby GRANTED.

Accordingly, it is hereby ORDERED that the plaintiff may immediately serve Rule 45 subpoenas, which are limited to the following categories of entities and information: From Internet Service Providers (ISPs) identified in the Exhibit A attached to the Complaint: information sufficient to identify each defendant, including name, current (and permanent) address, telephone number, email address, and Media Access Control address.

It is further ORDERED that any information disclosed to the plaintiff in response to a Rule 45 subpoena may be used by the plaintiff solely for the purpose of protecting the plaintiff's rights as set forth in its Complaint.

It is further ORDERED that the plaintiff and any entity which receives a subpoena shall confer, if necessary, with respect to the issue of payment for the information requested in the

subpoena or for resolution of IP addresses which are not controlled by such entity, duplicate IP addresses that resolve to the same individual, other IP addresses that do not provide the name and other information requested of a unique individual, or for the entity's internal costs to notify its customers.

It is further ORDERED that any entity which receives a subpoena and elects to charge for the costs of production shall provide a billing summary and any cost reports that serve as a basis for such billing summary and any costs claimed by such entity.

It is further ORDERED that the plaintiff shall receive a copy of this Order along with any subpoenas issued pursuant to this Order.

It is further ORDERED that if any entity subpoenaed pursuant to this Order wishes to move to quash the subpoena, it must do so before the return date of the subpoena, which shall be thirty (30) days from the date of service.

It is further ORDERED that the subpoenaed entity shall preserve any subpoenaed information pending the resolution of any timely-filed motion to quash.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

/s/ J.A.G.
John A. Gibney, Jr.
United States District Judge

Date: July 25, 2011
Richmond, VA