

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

CASE NO. 3:12-cv-336-J-99MMH-JBT

JOHN DOES 1-18,

Defendants.

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ORDER

THIS CAUSE is before the Court on the Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference (“Motion”) (Doc. 6), filed by Plaintiff on April 4, 2012. On April 5, 2012, the Court entered an Order taking the Motion under advisement and directing Plaintiff to file, by April 12, 2012, the subpoenas that are the subject of the Motion. (Doc. 7.) Plaintiff filed the subpoenas on April 12, 2012. (Doc. 8.) Upon consideration of the Motion and related filings, the Court finds that good cause exists to allow service of the subpoenas on the Internet Service Providers (“ISPs”) identified in Plaintiff’s filings.

Accordingly, it is **ORDERED**:

1. The Motion (**Doc. 6**) is **GRANTED** to the extent stated below.
2. Plaintiff may serve the ISPs with the subpoenas under Federal Rule of Civil Procedure 45 commanding the ISPs to provide Plaintiff with the information

identified in the subpoenas. Plaintiff shall attach to the subpoenas a copy of this Order.

3. Plaintiff may also serve a substantially identical Rule 45 subpoena in the same manner as above on any intermediary ISP that is identified in response to one or more of the subpoenas as a provider of Internet services to one or more of the Defendants.

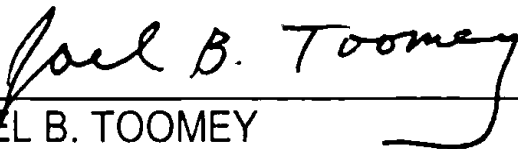
4. If and when ISPs are served with the subpoenas, the providers shall give written notice, which may include e-mail notice, to any affected subscribers, and such notice shall inform the subscribers of their right to challenge the subpoenas in court.

5. If the ISP and/or any Defendant wishes to modify or quash any subpoena, such party must do so before the return date of the subpoena, which shall be at least thirty (30) days from the date of service. The ISPs shall preserve any subpoenaed information pending the resolution of any timely filed motion to modify or quash.

6. The subpoenas authorized by this Order shall be deemed appropriate court orders under 47 U.S.C. § 551(c)(2)(B).

7. Plaintiff may use the information disclosed in response to the Rule 45 subpoenas served on the ISPs only as necessary to prosecute this action.

DONE AND ORDERED at Jacksonville, Florida, on April 18, 2012.



JOEL B. TOOMEY
United States Magistrate Judge

Copies to:

Counsel of Record

Any Unrepresented Party