

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No: 5:12-CV-522-Oc-UATCPRL

JOHN DOES

Defendant.

ORDER

Pending before the Court is Plaintiff's Motion for Leave to Serve Third Party Subpoenas Prior to Rule 26(f) Conference. (Doc. 4.) On October 1, 2012, the Court entered an Order taking the Motion under advisement and directing Plaintiff to file a copy of the subpoenas. (Doc. 6.) Plaintiff has now filed the subpoenas. (Doc. 7.) Upon review of the Motion and related filings, the Court finds sufficient good cause to permit service of the subpoenas on the Internet Service Providers ("ISPs") identified in Plaintiff's filings.

Accordingly, it is **ORDERED**:

1. Plaintiff's Motion (Doc. 4) is **GRANTED** as provided herein.
2. Plaintiff may serve the ISPs with the subpoenas under Rule 45 of the Federal Rules of Civil Procedure, commanding the ISPs to provide Plaintiff with the information identified in the subpoenas. Plaintiff shall attach a copy of this Order to each subpoena.
3. Plaintiff may also serve a Rule 45 subpoena, in the same manner as above, on any other ISP identified in response to a subpoena as a provider of internet services to one of the Defendants.

4. Any ISP served with a subpoena 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 any ISP or any Defendant would like to modify or quash any subpoena, such party must do so before the return date of the subpoena, which shall be at least thirty days from the date of service. The ISPs shall preserve any subpoenaed information pending the resolution of any timely 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 subpoenas served on the ISPs only as necessary to prosecute this action.

DONE and **ORDERED** in Ocala, Florida on October 12, 2012.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties