

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MALIBU MEDIA, LLC,)
)
Plaintiff,)
)
v.) **Case No. 1:12-cv-263**
)
JOHN DOES 1-14,)
)
Defendants.)

ORDER

At the November 6, 2012, telephonic hearing (Docket # 29) on Defendant John Doe No. 7's Motion to Vacate, or in the Alternative Modify, the Court's September 4, 2012, Ex Parte Order (Docket # 19),¹ Attorney Jonna Reilly, counsel for Defendant Doe No. 7, requested that Doe No. 7 be allowed to proceed anonymously in this action. In doing so, Attorney Reilly argued that Plaintiff is using mass joinder merely to discover Defendants' identities and then threatening disclosure of embarrassing information to achieve quick settlements. She emphasized that the fact that a copyrighted work was illegally downloaded from a certain IP address does not necessarily mean that the owner of that IP address was the infringer, and that the true infringer could just as easily be a third party who had access to the internet connection, such as a family member, houseguest, neighbor, or passerby on the street.

Considering the sensitive nature of this case—that is, Plaintiff's allegations that the Doe Defendants illegally downloaded (and presumably viewed) sexually explicit materials—and the potential for embarrassment and annoyance to Defendants, the Court *sua sponte* enters a

¹ The Court is contemporaneously entering a separate Order addressing the Motion.

protective order allowing the Doe Defendants to proceed anonymously at this stage. *See FED. R. Civ. P. 26(c)* (permitting a court to enter a protective order to “protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense”); *see, e.g., Sunlust Pictures, LLC v. Does 1-75*, No. 12 C 1546, 2012 WL 3717768, at *5-6 (N.D. Ill. Aug. 27, 2012) (allowing defendants to proceed anonymously in copyright infringement case involving the BitTorrent file-sharing program and adult pornographic videos); *Patrick Collins, Inc. v. Does 1-44*, No. JFM 8:12-cv-20, 2012 WL 1144854, at *1 (D. Md. Apr. 4, 2012) (same).

Accordingly, Plaintiff is ORDERED not to use any Doe Defendant’s real name in an amended complaint or other communication that is publicly filed, unless Plaintiff has first obtained leave of Court to do so. This Order will stand until further order of the Court; the matter will be revisited after the conclusion of discovery.

SO ORDERED.

Entered this 7th day of November, 2012.

S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge