

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MALIBU MEDIA, LLC, )  
 )  
 Plaintiff, )  
 )  
 v. ) CASE NO. 1:12-cv-01115-TWP-DML  
 )  
 JOHN DOES 1-9, )  
 )  
 Defendants. )

Order on Motion for Leave to Conduct Discovery

Plaintiff Malibu Media, LLC moves (Dkt. 12) the court to conduct discovery in advance of a Rule 26(f) conference<sup>1</sup> through the service of non-party subpoenas on Internet Service Providers (“ISPs”) to learn the identities of the persons—now named as Defendants John Does 1-9—whose Internet Protocol (“IP”) addresses correspond to the dates and times that those IP addresses participated in the alleged copying or distribution of 16 creative works for which the plaintiff holds the copyrights. Being duly advised, the court GRANTS in PART and DENIES in PART the motion as follows:

1. Plaintiff may serve non-party subpoenas on the ISPs identified on Exhibit A to its complaint (Dkt. 1-1) to obtain discovery directed at learning the identities of the persons whose IP addresses are identified on Exhibit A.
2. Information provided to the plaintiff in response to a subpoena may be used solely in connection with this litigation.
3. Absent further order of the court, plaintiff is not granted leave to conduct follow-up, or further, discovery based on or arising out of the information learned in response to subpoenas served on the ISPs and with respect to the IP addresses specifically identified on Exhibit A.

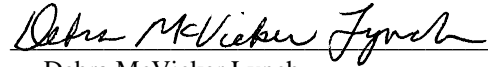
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<sup>1</sup> At docket 4 is another, but incomplete, copy of the plaintiff’s motion; the motion at docket 12 replaces the one at docket 4, which is denied as moot.

4. This order does not foreclose any ISP on which a subpoena is served to move the court to quash or modify the subpoena under Fed. R. Civ. P. 45. Plaintiff must attach a copy of this Order to each subpoena.

So ORDERED.

Date: 08/24/2012



Debra McVicker Lynch  
United States Magistrate Judge  
Southern District of Indiana

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