

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC :
 :
 Plaintiff : **Civil Action No. 12-7092 (FSH)**
 :
 v. :
 :
 JOHN DOES 1-10 : **ORDER**
 :
 Defendant :
 :

This matter having come before the Court by way of plaintiff's motion to expedite discovery to permit plaintiff to serve subpoenas on internet service providers to obtain information about the identity of the person/entity to whom certain internet protocol addresses are assigned;

and the Court having considered the submission, the claims, and governing law;

and for the reasons set forth in the Opinion delivered on the record on November 21, 2012;¹

and for good cause shown,

IT IS ON THIS 21st day of November, 2012

ORDERED the motion to expedite discovery to permit serving subpoenas on internet service providers to obtain information about the identity of the person/entity to whom the specific internet protocol addresses are assigned [ECF No. 4] is granted in part.² The plaintiff

¹A transcript of the Opinion may be obtained by contacting King Transcription Service at 973-237-6080.

²The plaintiff may file an Amended Complaint that addresses the observations in Amselfilm Productions GMBH & Co. KG v. Swarm 6A6DC, Civ. No. 12-3865, ECF No. 12 at 2-4, or file separate actions against each of them and thereafter file motions to conduct expedited

may serve a subpoena to obtain said information for the internet protocol address associated with John Doe 1. Service of the subpoena shall comply with the Federal Rules of Civil Procedure. Information obtained from the internet service provider shall only be used for the purpose of this litigation and the plaintiff shall be prepared to provide copies of the responsive information to the specific defendant who enters an appearance in this case;³

IT IS FURTHER ORDERED that the plaintiff shall present subpoena issued from this Court for it's review and "So Ordered" endorsement if same is requested by the internet service provider;

IT IS FURTHER ORDERED that the request that this Court enter orders concerning the costs or to compel an internet service provider to comply before the subpoena is served is denied;

IT IS FURTHER ORDERED that nothing herein constitutes a ruling concerning whether joinder of multiple defendants or venue is appropriate or if personal jurisdiction exists over any defendant who may be named in this case; and

IT IS FURTHER ORDERED that the plaintiff shall serve a copy of this Order upon the internet service provider.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

discovery.

³If the plaintiff files an Amended Complaint to substitute a John Doe defendant with the proper name of a defendant, then it shall ensure it has a factual basis for the assertion that such defendant engaged in the alleged acts. By permitting this discovery, the Court is not necessarily finding that plaintiff may rely solely on the fact that the person identified as the subscriber associated with the internet protocol address to prove that such person engaged in the acts set forth in the Complaint.