

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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MALIBU MEDIA, LLC,	:	
	:	
Plaintiff,	:	Civil Action No. 12-7726 (KM)
	:	
v.	:	
	:	
JOHN DOES 1-11,	:	ORDER
	:	
Defendants.	:	
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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 11 persons or entities to whom certain internet protocol addresses are assigned, see Plaintiff’s Exh. B, ECF No. 4-3;

and the Court having considered the submission, the claims, and the governing law;
and for the reasons set forth in the Opinion delivered on the record on January 22, 2013;
and for good cause shown;

IT IS on this 22nd day of January 2013,

ORDERED that plaintiff’s motion to expedite discovery to permit service of subpoenas on internet service providers to obtain information about the identity of the persons or entities to whom the specific internet protocol addresses set forth in Exhibit A to the Complaint are assigned [ECF No. 1-2] is granted; and it is further

ORDERED that plaintiff's request to serve the subpoenas by certified mail, return-receipt-requested is denied. Service of the subpoenas shall comply with the Federal Rules of Civil Procedure; and it is further

ORDERED that any information obtained from the internet service providers shall be used only for purposes of this litigation and the plaintiff shall provide copies of the responsive information to the specific defendant who enters an appearance in this case; and it is further

ORDERED that if the Plaintiff files an Amended Complaint to substitute a John Doe defendant with the proper name of a defendant, then Plaintiff shall ensure it has sufficient factual basis for any assertions made. By permitting this discovery, the Court is not finding that Plaintiff may rely solely on the fact that the person identified as the subscriber is associated with the internet protocol address to prove that such a person engaged in the conduct alleged in Plaintiff's complaint; and it is further

ORDERED that the Plaintiff shall present subpoenas issued from this Court for the Court's review and "So Ordered" endorsement if the same is requested by the subpoenaed internet service provider; and 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 defendants who may be named in the case; and it is further

ORDERED that nothing in this Order prevents any appropriate party from moving to quash; and it is further

ORDERED that the Plaintiff shall serve a copy of this Order upon each subpoenaed internet service provider.

s/Michael A. Hammer
UNITED STATES MAGISTRATE JUDGE