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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC,

Plaintiff,

12 Civ. 4136 (LLS)

- against -

ORDER

JOHN DOES 1-14,

Defendants.

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The Court having considered plaintiff's Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference (Dkt. No. 2), and following In re Bittorrent Adult Film Copyright Infringement Cases, No. 12-1147 (JS)(GRB), 2012 WL 1570765 (E.D.N.Y. May 1, 2012), it is ORDERED that

(1) The complaint be dismissed, sua sponte and without prejudice, as to all defendants other than the individual designated John Doe 1;

(2) Plaintiff may serve a subpoena under Fed. R. Civ. P. 45 on the proper ISP to obtain the name, address, and Media Access Control address for the defendant designated as John Doe 1. Under no circumstances is plaintiff permitted to seek or obtain the telephone number or email address of that individual, or to seek or obtain information about any potential John Doe defendant other than John Doe 1. Plaintiff's counsel is directed to attach a copy of this Order to the subpoena;

(3) Within seven days of service of the subpoena, the ISP shall reasonably attempt to identify John Doe 1 and provide him or her with a copy of the subpoena and this Order. If the ISP is unable to determine, to a reasonable degree of technical certainty, the identity of the user of the particular IP address associated with John Doe 1, it shall so notify plaintiff's counsel;

(4) The ISP shall have 21 days from the service of the subpoena to move to quash or otherwise object to the subpoena. The defendant designated John Doe 1 shall have 14 days from receipt of the subpoena from the ISP to move to quash or otherwise object to the subpoena;

(5) Absent any motion to quash or objection, the ISP shall produce the information sought to the Court, not to plaintiff, within 21 days after notifying the defendant designated as John Doe 1 pursuant to paragraph (2) above. That submission shall be made ex parte and under seal, and the information therein will be provided to plaintiff's counsel at a status conference to be scheduled by the Court; and

(6) Plaintiff may only use the information disclosed pursuant to the subpoena for the purpose of protecting and enforcing its rights as set forth in its complaint.

So ordered.

Dated: New York, New York
June 12, 2012

Louis L. Stanton

LOUIS L. STANTON
U.S.D.J.