

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PATRICK COLLINS, INC.,

*Plaintiff,*

v.

DOES 1 – 79,

*Defendants.*

CIVIL ACTION No.: 1:12-cv-10532

**PLAINTIFF'S EMERGENCY EX-  
PARTE MOTION FOR EARLY  
DISCOVERY**

The plaintiff, PATRICK COLLINS, INC., respectfully requests that the Court allow it to take early discovery in the present lawsuit for the sole purpose of identifying all Doe defendants (“Defendants”) named in the Complaint by subpoenaing the Defendants’ respective Internet Service Providers (“ISPs”). Moreover, pursuant to the Cable Privacy Act, 47 U.S.C. § 551(c) (2) (B), Plaintiff further seeks a Court order directing the ISPs to disclose the subscriber’s personally identifiable information. Additionally, Plaintiff requests permission to propound limited discovery in the form of interrogatories and depositions on any individual identified by these ISPs in order to determine whether or not the actual Internet subscriber is a proper defendant in this action. Plaintiff requests that this motion be decided on an emergency basis as the ISPs only keep the records that Plaintiff requires to identify the Defendants for a limited period of time. Essential information will be irrecoverably lost unless Plaintiff is allowed to serve a valid subpoena immediately.

In support of this motion, Plaintiff relies on the accompanying memorandum of law and the Declaration of Jon Nicolini attached to the Complaint. Moreover, to assist the Court, Plaintiff has prepared a proposed Order and Court Approved Notice to the Doe

Defendants, such as the one employed in London-Sire Records, Inc. v. Doe 1 et al., 542 F. Supp. 2d 153 (D. Mass. 2008) (Gertner, J.).

Respectfully submitted on March 26, 2012,

FOR THE PLAINTIFF:



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**CERTIFICATE OF SERVICE**

I hereby certify that on March 26, 2012, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants.



Marvin Cable, Esq.