

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA PHOENIX**

<p>THIRD DEGREE FILMS, INC. , Plaintiff, v. DOE 1, Defendant.</p>	<p>ORDER Case No.: CV-12-108-PHX-JAT</p>
---	--

Consistent with this Court’s Order of March 1, 2012 granting early discovery as to Doe Defendant 1,

IT IS ORDERED that the Plaintiff is allowed to conduct immediate discovery on Qwest Communications, the Internet Service Provider for Doe 1 listed in Exhibit A to the Complaint, with a subpoena under Federal Rule of Civil Procedure 45 seeking information sufficient to identify the Doe defendant, including name, current and permanent address, telephone numbers, and email addresses, and Media Access Control (MAC) Address. Such subpoena must be served on Qwest within 30 days of the date of this Order.

IT IS FURTHER ORDERED that the Plaintiff may serve a Rule 45 subpoena also upon any intermediary Internet Service Provider that may be identified in response to the subpoena to Qwest Communications as providing internet services to the Doe defendant.

IT IS FURTHER ORDERED that Plaintiff shall bear any costs associated with complying with a subpoena authorized by this Order.

IT IS FURTHER ORDERED that if and when Qwest Communications is served with a subpoena, Qwest Communications shall give written notice, which may include e-mail notice, to any affected subscribers, and such notice shall inform the subscribers of their right to challenge the subpoena in this Court.

IT IS FURTHER ORDERED that if Qwest Communications and/or any Defendant wishes to modify or quash a subpoena, such party must do so before the return date of the subpoena, which shall be thirty (30) days from the date of service.

IT IS FURTHER ORDERED that subpoenas authorized by this Order and issued pursuant thereto shall be deemed appropriate court orders under 47 U.S.C. §551. In particular, 47 U.S.C. § 551(c)(2)(B) provides as follows:

"(c) Disclosure of personally identifiable information

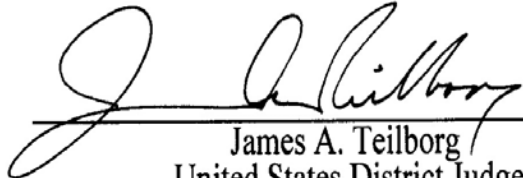
"(2) A cable operator may disclose such information if the disclosure is—

"(B) subject to subsection (h) [relating to disclosures to governmental agencies] of this section, made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed"

IT IS FURTHER ORDERED that Qwest Communications shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash.

IT IS FURTHER ORDERED that Plaintiff shall provide Qwest Communications with a copy of this Order.

Dated this 29th day of March, 2012.


James A. Teilborg
United States District Judge