

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THIRD DEGREE FILMS

Plaintiff,

v.

DOES 1 – 39,

Defendants.

CIVIL ACTION No.: 1:12-cv-10763

~~PROPOSED~~ ORDER
GRANTING PLAINTIFF'S
EMERGENCY EX-PARTE
MOTION FOR EARLY
DISCOVERY

Upon consideration of plaintiff's Emergency Motion to Take Early Discovery, plaintiff's supporting memorandum, and the Declaration of Jon Nicolini attached to Complaint, plaintiff's Motion is hereby **GRANTED**. It is further **ORDERED** as follows:

1. Plaintiff is allowed to conduct immediate discovery on each Internet Service Provider ("ISP") listed in Exhibit A to the Complaint by serving a Rule 45 subpoena ("subpoena") that seeks information sufficient to identify each Doe defendant, including name, address (present and at the time of infringement), e-mail address, Media Access Control ("MAC") address, and the ISP's terms of service applicable for each defendant.
2. Plaintiffs may serve a subpoena also upon any intermediary ISPs that may be identified in response to a subpoena as providing Internet services to one or more of the Doe defendants.
3. Plaintiff shall cover any costs that the ISPs charge for researching Doe defendants.
4. The ISPs are authorized, pursuant to the Cable Privacy Act, 47 U.S.C. § 551(c)(2)(B), to comply with this subpoena, subject to the further conditions set forth in this Order.

5. Plaintiff shall use the information obtained by this subpoena solely for the purpose of protecting plaintiff's rights under the Copyright Act.
6. Plaintiffs shall attach a copy of this Order to each subpoenaed ISP. The subpoena shall instruct the ISPs to distribute a copy of this Order to each Doe defendant within seven days of service of the subpoena.
7. Plaintiffs shall also attach Court Directed Notice Regarding Issuance of Subpoena, a copy of which is attached to this Order, to each subpoenaed ISP. The subpoena shall instruct the ISPs to distribute a copy of the Notice to each Doe defendant within seven days of service of the subpoena.
8. The ISPs shall not respond to the subpoena until thirty days after it has sent the Notice to each Doe defendant.
9. ISPs shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash.

SO ORDERED *as modified.*

Dated: *May 1, 2012*

William A. Young
District Judge