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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LIBERTY MEDIA HOLDINGS, LLC

Plaintiff,

v.

YOUNGTEK SOLUTIONS, LTD, doing
business as TNAFLIX.COM, FRANK, DOES
1, 2, and 3-500,

Defendants.

Civil No. 10cv1972-JAH (POR)

**ORDER GRANTING PLAINTIFFS' EX
PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY**

[Doc. 12.]

On September 21, 2010, Plaintiff filed a complaint against Youngtek Solutions, LTD, d/b/a Tnaflix.com, and the Doe Defendants for copyright infringement. Plaintiff does not know the names of the Doe Defendants, but has identified the Defendants by their screen names: greatBoobies1985, tyvm, and jiginghey. On December 20, 2010, Plaintiff filed an *Ex Parte* Motion seeking leave of the Court to serve immediate discovery on Defendant Youngtek Solutions, LLC, d/b/a Tnaflix.com, to identify the true identities of Doe Defendants. Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiff intends to seek production of documents that identify each Defendant's true name, addresses, e-mail addresses, I. P. addresses, and the dates and times of logins to Tnaflix. Plaintiff further seeks documentation sufficient to determine the number of counts of copyright infringement committed by each Defendant, including a log or other record of all videos uploaded.

In accordance with Federal Rule of Civil Procedure 26(d), discovery does not commence until parties to an action meet and confer as prescribed by Federal Rule of Civil Procedure 26(f), unless by court order or agreement of the parties. A court order permitting early discovery may be

1 appropriate “where the need for expedited discovery, in consideration of the administration of
2 justice, outweighs the prejudice to the responding party.” Semitool, Inc. v. Tokyo Electron
3 America, Inc., 208 F.R.D. 273, 276 (N.D.Cal. 2002).

4 After reviewing Plaintiff’s *Ex Parte* Motion for leave to take early discovery, and the
5 accompanying Memorandum of Points and Authorities, the Court finds good cause to grant
6 Plaintiff’s Motion, based on: (1) the allegations of copyright infringement contained in Plaintiff’s
7 complaint; (2) the danger that Defendant Youngtek Solutions, LLC, d/b/a Tnaflix.com will not long
8 preserve the information that Plaintiff seeks; (3) the narrow tailoring of the discovery request so as
9 not to exceed the minimum information required to advance this lawsuit without prejudicing the
10 Defendants; and (4) the Court’s finding that the expedited discovery requested will substantially
11 contribute to moving this case forward. Furthermore, without such discovery, Plaintiff cannot
12 identify the Doe Defendants, and thus cannot pursue its lawsuit to protect their copyrighted works
13 from infringement. Accordingly, IT IS HEREBY ORDERED:

- 14 1. Plaintiff may serve immediate discovery on Defendant Youngtek Solutions, LLC,
15 d/b/a Tnaflix.com to obtain the identity of each Doe Defendant by serving a request
16 for production pursuant to Federal Rule of Civil Procedure 34 that seeks information
17 sufficient to identify each Doe Defendant, including name, addresses, e-mail
18 addresses, I. P. addresses, and the dates and times of logins to Tnaflix. Plaintiff may
19 also seek documentation sufficient to determine the number of counts of copyright
20 infringement committed by each Defendant.
- 21 2. Any information disclosed to Plaintiff in response to the request for production may
22 be used by Plaintiff solely for the purpose of protecting its rights under the Copyright
23 Act.
- 24 3. If Defendant Youngtek Solutions, LLC, d/b/a Tnaflix.com wishes to move to oppose
25 the request for production, it shall do so before the return date of the request. If such
26 a motion is brought, Defendant shall nonetheless preserve the information sought in
27 the request for production pending resolution of such motion.

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4. Plaintiff shall provide a copy of this Order to Defendant Youngtek Solutions, LLC,
d/b/a Tnaflix.com when the request for production is served.

IT IS SO ORDERED.

DATED: December 27, 2010



LOUISA S PORTER
United States Magistrate Judge

cc: The Honorable John A. Houston
All parties