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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)
LETTER ROGATORY

United States District Court, Southern District of California to the Appropriate Judicial Authority in Ontario Canada, Greetings:

An action for Direct Copyright Infringement is pending in our district court for the Southern District of California, in which Liberty Media Holdings, LLC, is plaintiff and John Doe 1, who used the online pseudonym "GreatBoobies1985" is defendant, and it has been suggested to us that justice cannot be completely done between the parties without obtaining the testimony, for use at trial, of Rogers Communications Inc., at 333 Bloor Street East, 7th Floor, Toronto, ON M4W 1G9, located within your jurisdiction.

The United States District Court, Southern District of California, has jurisdiction to adjudicate the controversy pending before it, has the power to compel the attendance of witnesses and the production of documents, and is empowered to direct the taking of testimony both inside and outside of its jurisdiction.

Liberty Media Holdings, LLC, by their counsel of record, has submitted a declaration that:

1 (i) they intend to use the testimony to be taken and/or the documents to be produced by offering
2 them in evidence at the trial of this action; and (ii) the testimony and documents are not to be used
3 only for a discovery purpose or to support the initiation of a foreign proceeding.

4 The admissibility of the offer in evidence of such testimony and documents will be ruled on
5 by this court at the trial.

6 Liberty Media Holdings, LLC, contends in the action pending before us that Rogers
7 Communications Inc. is the only entity with knowledge of the identifying information associated
8 with Defendant Doe 1, also known by the tnaflix.com screen name "GreatBoobies1985".

9 The evidence sought from Rogers Communications Inc., is relevant to the matter now
10 pending before this court concerning the Direct Copyright Infringement committed by Doe 1.

11 Liberty Media Holdings, LLC, seeks to obtain the documents described in the attached
12 Exhibit 1.

13 This district court has issued this Letter Rogatory with the attached document request in
14 Exhibit 1 on Rogers Communications Inc., and while this district court would consider, in the
15 absence of any specific objections, the information sought by this Letter Rogatory to be within the
16 parameters of Fed. R. Civ. P. 26 , this district court has left the scope of testimony and documents to
17 be produced to be determined by the appropriate court in Ontario, Canada.

18 The evidence is required in order that a just and speedy trial in this matter may ensue and is
19 necessary in the interests of justice to enable this district court to determine the issues pending
20 before it.

21 According to Liberty Media Holdings, LLC, the evidence sought is otherwise unavailable
22 from any source within the United States of America.

23 WE, THEREFORE, REQUEST that in the interest of justice, you cause, by your proper and
24 usual process, Rogers Communications Inc., to appear before you or some competent officer by you
25 for that purpose authorized, at a time and place by you to be determined, and to bring with said
26 entity all books, papers, or other articles as described in Exhibit 1 attached, and to then and there
27 make answer on oath (or solemn affirmation) the questions and interrogatories to be propounded by
28 counsel by the respective parties, and that you will cause such testimony to be reduced to writing,

1 and thereafter to be duly signed by the witness under oath or affirmation and such books, papers, or
2 other articles that the witness may produce or identify be marked as Plaintiffs' Exhibits and that you
3 will thereafter return the testimony to us under cover duly sealed and addressed to the Clerk of the
4 United States District Court for the Southern District of California, 940 Front Street, San Diego, CA
5 92101 , and we will be ready and willing to do the same for you in a similar case when required.

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DATED: February 11, 2011



LOUISA S PORTER
United States Magistrate Judge

cc: The Honorable John A. Houston
All parties

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Exhibit 1

Plaintiff seeks the personally identifying information of the Doe 1 as follows:

1) From Rogers Communications: Any and all documents and/or information necessary to identify the user of the IP address 99.230.7.72 on the dates and times as follows:

- a. 2010-05-28 at 11:35:26
- b. 2010-05-28 at 11:35:26
- c. 2010-05-28 at 11:35:26
- d. 2010-05-28 at 11:35:26
- e. 2010-05-28 at 11:35:26
- f. 2010-05-28 at 11:35:26
- g. 2010-05-28 at 11:35:26
- h. 2010-05-28 at 19:12:37
- i. 2010-05-28 at 19:12:37
- j. 2010-05-28 at 19:12:37
- k. 2010-05-28 at 19:12:37
- l. 2010-05-28 at 19:12:37
- m. 2010-05-28 at 19:12:37
- n. 2010-05-31 at 09:59:24
- o. 2010-05-31 at 09:59:24
- p. 2010-05-31 at 09:59:24
- q. 2010-05-31 at 09:59:24
- r. 2010-05-31 at 09:59:24
- s. 2010-05-31 at 09:59:24
- t. 2010-05-31 at 09:59:24
- u. 2010-05-31 at 09:59:24
- v. 2010-05-31 at 20:21:12
- w. 2010-10-15 at 15:13:42
- x. 2010-12-06 at 14:22:02.

2) Any and all documents and/or information necessary to identify the user of the IP address 99.229.90.123 on the dates and times as follows:

- a. 2008-06-09 at 4:26:46 a.m. (PDT)
- b. 2008-06-09 at 2:17:00 p.m. (PDT)

3) Any and all documents and/or information necessary to identify the user of the IP address 99.229.232.52 on the dates and times as follows:

- a. 2010-10-19 at 3:35:31 a.m. (PDT)
- b. 2010-11-28 at 1:54:45 p.m. (PST)
- c. 2010-12-8 at 2:56:36 a.m. (PST)
- d. 2010-12-9 at 3:47:02 a.m. (PST)
- e. 2010-12-9 at 4:17:57 p.m. (PST)
- f. 2010-12-18 at 11:43:26 a.m. (PST)