

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

NGN PRIMA PRODUCTIONS, INC.,

Plaintiff,

v.

SWARM SHARING HASH FILE

75EB76485FAB94E5D83ED0E7EDFAF02A6013BD46;
and DOES 1 through 27,

Defendants.

CIVIL ACTION NO.: 1:12-cv-11878-JCB

PLAINTIFF'S RENEWED MOTION FOR EARLY DISCOVERY

The plaintiff NGN Prima Productions, Inc. ("Plaintiff") hereby submits its Renewed Ex-Parte Motion For Early Discovery and respectfully requests that the Court permit Plaintiff to obtain the preserved subscriber information sought by Plaintiff's subpoenas served on Charter Communications, RCN Corporation, and Time Warner Cable (the "ISPs") in the above-captioned matter.

On November 15, 2012, the Court issued an Order granting in part and denying in part Plaintiff's Emergency Ex-Parte Motion for Early Discovery ("Order"), wherein the Court permitted Plaintiff to serve subpoenas requesting subscriber information on the ISPs. [Dkt. No. 12]. The Court further ordered that the ISPs were to preserve the information requested by Plaintiff in the subpoenas, but were not to provide the subscriber information to Plaintiff. [Dkt. No. 12]. The Court stated in its Order that it believed that Plaintiff "should not receive the information until after the Court has ruled on any motions to quash the subpoenas." [Dkt. No. 12].

The Court imposed a deadline of December 31, 2012 for subscribers to file motions to quash or any motions related to the subpoenas and set a deadline of January 14, 2013¹ for Plaintiff to file its responses to any motions filed by subscribers. [Dkt. No. 12]. On December 27, 2012, the Court entered a document on the docket entitled “Letter objecting to disclosure of personal information.” [Dkt. No. 15]. Although Dkt. No. 15 was not styled as a motion to quash, or any other motion for that matter, Plaintiff nonetheless filed its response and objection to Dkt. No. 15 on January 7, 2013. [Dkt. No. 16]. No other subscribers have filed motions, objections, or pleadings of any kind relative to the subpoenas.

Therefore, as all of the deadlines for action on the part of Plaintiff and subscribers set forth in the Order have lapsed, Plaintiff respectfully requests that the Court permit Plaintiff to obtain the identifying subscriber information that has been preserved by the ISPs.

Dated: February 7, 2013

Respectfully submitted,

NGN PRIMA PRODUCTIONS, INC.,
By its attorneys,

/s/ Alexandra Capachietti
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¹ Or fourteen days after the filing of a motion filed by a subscriber if filed before December 31, 2012.

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2013, I caused a true and correct copy of PLAINTIFF'S RENEWED MOTION FOR EARLY DISCOVERY to be served through the ECF system on all identified parties and/or counsel of record.

/s/ Alexandra Capachietti
Alexandra Capachietti, Esq.