

Simmons Firm 12/21/2012 1:00:44 PM PAGE 8/010 Fax Server

Case: 4:12-cv-02292-AGF Doc. #: 9 Filed: 12/18/12 Page: 1 of 3 PageID #: 97

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

PURZEL VIDEO GMBH,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 4:12CV02292 AGF
)	
DOES 1-91.)	JURY TRIAL DEMANDED
)	
<i>Defendants.</i>)	
_____)	

ORDER

IT IS HEREBY ORDERED that plaintiff's motion for leave to take discovery prior to rule 26(f) conference (filed December 11, 2012) is granted.

IT IS FURTHER ORDERED that, plaintiff may immediately serve discovery on the third party ISPs identified in Exhibit A to plaintiff's complaint to obtain the identity of each Doe defendant by serving a subpoena pursuant to FED. R. CIV. P. Rule 45 that seeks documents that identify each Doe defendant, including the name, current (and permanent) addresses, e-mail addresses, and Media Access Control addresses for each defendant. The disclosure of this information is consistent with the ISPs' obligations under the Cable Service Privacy Act, 47 U.S.C. § 551(c)(2)(B), which provides:

- (2) A cable operator may disclose [personally identifiable] information if the disclosure is
 - (B) subject to subsection (h) 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, not later than January 29, 2013, the third party



Charter Communications, Inc.
Legal Department
12405 Powerscourt Dr.
St. Louis, MO 63131
Fax: 314-909-0609

IMPORTANT LEGAL NOTICE: PLEASE READ CAREFULLY

January 29, 2013

OBJECTION DEADLINE

RICHARD MCGRUDER
504 S SPRING ST
PALMYRA, MO 634611427

March 12, 2013, 4:00 pm CT

References Used In This Notice

- Court Case: Purzel Video GMBH (the "Plaintiff") v. Does 1-91, Court Case No. 4:12-cv-02292-AGF
- Court: United States District Court for the Eastern District of Missouri
- Copyrighted Work: Unspecified
- Identifying Information: Accountholder Name, Address(es), Email Address(es), IP log
- Charter Case Number: 12-4726
- Your ID Number: 59

Dear Sir or Madam:

Charter has received a subpoena from attorneys for the Plaintiff seeking certain information about your Charter internet account ("Account"), including the Identifying Information listed above. The Court has issued an order compelling Charter to disclose this information relating to your Charter Account. Charter respects the privacy of its subscribers, and will disclose customer information only to the extent required by law, as indicated in Charter's privacy policy on www.charter.com. Because a court order authorizes the Plaintiff to obtain this information, Charter must disclose these records unless you formally oppose disclosure in the Court by the objection deadline stated above. Copies of the court order and subpoena are attached, as well as any other documentation that may have been court-ordered to be provided with this notice.

Charter records indicate that an IP address listed on an exhibit to the subpoena was assigned to your Account at the given date and time. Below is a copy of the log that associates the IP with your Account in this format: IP Address – Modem MAC – CPE MAC – IP Lease Start Time – IP Lease End Time.

97.85.198.13 00:13:f7:36:be:89 e0:91:f5:e9:0d:11 2012-03-22 14:19:17 2012-12-26 21:17:24

Please note: Charter cannot provide you legal representation and cannot object to the subpoena or court order on your behalf. If you wish to take action in this matter, you should contact an attorney immediately, who can advise you of your specific legal rights. If you intend to oppose the order, you should do so without delay in the court identified in the subpoena and order. **AN OBJECTION MADE SOLELY TO CHARTER IS INSUFFICIENT; OBJECTIONS MUST BE MADE DIRECTLY TO THE COURT. HOWEVER, CHARTER MUST BE NOTIFIED OF AN OBJECTION NO LATER THAN THE OBJECTION DEADLINE GIVEN ABOVE.**

If you file an opposition to the order, you or your attorney should provide a copy of the objection you submitted with the Court to Charter (attention "Legal – File-Sharing Team" via facsimile at 314-909-0609) by the objection deadline stated above so that Charter may withhold disclosure of your information. **PLEASE CLEARLY INDICATE IN YOUR COPY TO CHARTER (1) THAT YOUR OBJECTION WAS MADE TO THE COURT AND (2) PROVIDE YOUR NAME AND ADDRESS OR A COPY OF THIS LETTER, EVEN IF YOUR OBJECTION TO THE COURT IS ANONYMOUS. WITHOUT THIS INFORMATION CHARTER CANNOT WITHHOLD DISCLOSURE OF YOUR INFORMATION.**