

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

WEST COAST PRODUCTIONS, INC.,

Plaintiff,

v.

JOHN DOES 1-5829,

Defendants.

Civil Action No. 11-057 (CKK)

ORDER
(February 3, 2011)

Before the Court is Plaintiff's [4] Motion for Leave to Take Discovery Prior to Rule 26(f) Conference. Plaintiff is a film-making company and copyright holder suing a series of John Doe Defendants for copyright infringement. According to Plaintiff's Complaint, each Defendant used an online media distribution system download and/or distribute to the public Plaintiff's copyrighted work. Although Plaintiff does not presently know the names of the individual Defendants, Plaintiff has identified each Defendant by the unique internet protocol ("IP") address assigned to each Defendant on the date and at the time of the alleged infringing activity. *See* Pl.'s Mem. at 8-12. Those IP addresses are attached as an exhibit to Plaintiff's Complaint. Plaintiff requests permission to serve limited, immediate discovery on various third party internet service providers ("ISPs") to reveal the identities of the users of the IP addresses in question.

Courts have broad discretion in discovery matters and, pursuant to that discretion, may allow parties to conduct expedited discovery where "good cause" is shown. *Warner Bros. Records, Inc. v. Does 1-6*, 527 F. Supp. 2d 1, 2 (D.D.C. 2007). The Court finds that good cause exists for Plaintiff's requested discovery because Defendants must be identified before this suit

can progress further. *See Arista Records LLC v. Does 1-19*, 551 F. Supp. 2d 1, 6-9 (D.D.C. Apr. 28, 2008) (Kollar-Kotelly, J.). However, the Court shall limit the scope of authorized discovery so as to provide protections for unnamed Defendants against potential abuses of the Rule 45 subpoena power.

Accordingly, it is, this 3rd day of February, 2011, hereby

ORDERED that Plaintiff's [4] Motion for Leave to Take Discovery Prior to Rule 26(f) Conference is GRANTED; it is further

ORDERED that Plaintiff may take immediate discovery by serving a Rule 45 subpoena on the internet service providers ("ISPs") identified in the exhibit attached to Plaintiff's Complaint, Docket No. [1-1], to obtain information sufficient to identify each John Doe Defendant, such as the individual's name, current and permanent address, telephone number, e-mail address, and Media Access Control address; it is further

ORDERED that Plaintiff may serve a Rule 45 subpoena in the same manner as above to any intermediary ISP identified in response to a subpoena as providing online services and/or network access to one of the John Doe Defendants; it is further

ORDERED that any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in the Complaint; it is further

ORDERED that, if and when an ISP is served with a subpoena, the ISP shall give written notice, which may include e-mail notice, to any affected subscribers within five (5) business days, and such notice shall inform the subscribers of their right to challenge the subpoena in the issuing Court; it is further

ORDERED that, if the ISP and/or any Defendant seeks to modify or quash a subpoena, the party must do so before the return date of the subpoena, which shall be no earlier than thirty (30) days from the date of service; it is further

ORDERED that the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; it is further
ORDERED that Plaintiff shall provide each subpoenaed ISP with a copy of this Order as well as the Complaint in this action; and it is further

ORDERED that, on or before April 4, 2011, Plaintiff shall file a Status Report with the Court briefly outlining its progress, including providing an expected completion date of the discovery allowed by this Order.

SO ORDERED.

Date: February 3, 2011

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge