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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ResponseLogix, Inc., d/b/a Digital Air
Strike Co.,

Plaintiff,

vs.

Glenn Jimerson, et al.,

Defendants.

No. CV-13-02427-PHX-PGR

ORDER

Pending before the Court is Plaintiff’s Motion for Order Authorizing Disclosure of Subscriber Information, filed March 12, 2014, to which no party has filed any objection. Having reviewed the motion, the Court finds that the motion is appropriately granted pursuant to 47 U.S.C. § 551(c)(2)(B). Therefore,

IT IS ORDERED that Plaintiff’s Motion for Order Authorizing Disclosure of Subscriber Information (Doc. 29) is granted as follows:

1. The plaintiff may serve subpoenas pursuant to Fed.R.Civ.P. 45 upon the following cable operators to obtain the name and address of the subscriber(s) associated with certain IP addresses: Aircell, LLC; CenturyLink, Inc.; Cox Communications, Inc.; Comcast Cable Communications, LLC; Google, Inc.; Secured Servers, LLC; and any other cable operator as that term is defined by 47 U.S.C. §

1 522(5) that is identified in response to a subpoena as a provider of internet
2 services to any named or fictitious defendant in this action (collectively the “cable
3 operator.”) The plaintiff shall include a copy of this Order with any subpoena served
4 on the cable operator. Any subpoena authorized by this Order shall be deemed to
5 be an appropriate Court order for purposes of 47 U.S.C. § 551.

6 2. The cable operator shall have twenty-one (21) calendar days after service
7 of the subpoena on it to notify its subscriber associated with the IP address in the
8 subpoena that the plaintiff is seeking the subscriber’s identity. The cable operator
9 may provide the required notice, which shall include a copy of the subpoena and a
10 copy of this Order, using any reasonable means, including written notice sent to the
11 subscriber’s last known address, transmitted either by first class mail or via overnight
12 service. The cable operator’s good faith attempt to notify the subscriber shall
13 constitute compliance with this Order.

14 3. Each subscriber whose identity is being sought shall have thirty (30)
15 calendar days from the date of the notice by the cable operator upon it to file any
16 motions in this Court contesting the subpoena (including a motion to quash or to
17 modify the subpoena.) A copy of any such motion shall be served on the plaintiff by
18 the subscriber and the plaintiff shall promptly provide a copy of the motion to the
19 cable operator.

20 4. If the subscriber fails to file a challenge to the subpoena within the thirty-
21 day period, the cable operator shall provide the subpoenaed information to the
22 plaintiff within fourteen (14) calendar days thereafter.

23 5. If the subscriber files a motion challenging the subpoena in any way, the
24 cable operator shall not turn over any of the subpoenaed information about the
25 subscriber to the plaintiff until such time as the Court has resolved the subscriber’s
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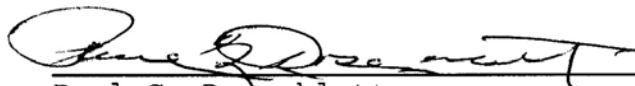
1 challenge.

2 6. The cable operator shall preserve all subpoenaed information until such
3 time as the information has been delivered to the plaintiff or until the subpoena has
4 been quashed.

5 7. Any information disclosed to the plaintiff in response to a subpoena issued
6 pursuant to this Order shall be used by the plaintiff solely for the purpose of
7 protecting the plaintiff's rights under contract and trademark as enumerated in the
8 complaint in this action or in any subsequent amended complaints filed in this action.

9 8. The plaintiff shall pay the cable operator all of its reasonable costs and fees
10 incurred in responding to the subpoena, including those incurred in compiling the
11 requested information and in providing pre-disclosure notice to its subscriber.

12 DATED this 15th day of April, 2014.

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15 Paul G. Rosenblatt
16 United States District Judge
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