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

FIRST TIME VIDEOS, LLC,

Plaintiff,

No. CIV S-11-3478 GEB EFB

vs.

JOHN DOE,

Defendant.

ORDER

On January 19, 2012, the undersigned issued an order granting in part and denying in part plaintiff’s ex parte application for leave to take expedited discovery, and authorizing plaintiff to “serve a Rule 45 subpoena on Comcast Cable Communications (the ISP listed for John Doe in Exhibit A to the Amended Complaint) to obtain the following information about John Doe (based on the IP address listed for him in Exhibit A to the Amended Complaint – 76.11.57.33): name, addresses, telephone numbers, and email addresses.” Dckt. No. 9. On April 4, 2012, plaintiff filed a motion for an order correcting a clerical error in the January 19 order. Dckt. No. 15. Specifically, plaintiff notes that the January 19 order erroneously referenced John Doe’s IP address as 76.11.57.33, rather than 76.114.57.33, which is the correct IP address and is the IP address that is listed in Exhibit A to plaintiff’s Amended Complaint. *Id.* at 2.

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1 As plaintiff surmises, the undersigned accidentally omitted the “4” in 76.114.57.33 when
2 issuing the January 19 order. Therefore, plaintiff’s motion for an order correcting that clerical
3 error will be granted. *See* Fed. R. Civ. P. 60(a) (“The court may correct a clerical mistake or a
4 mistake arising from oversight or omission whenever one is found in a judgment, order, or other
5 part of the record. The court may do so on motion or on its own, with or without notice.”).

6 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for an order correcting a
7 clerical error in the January 19, 2012 order is granted. *See* Dckt. No. 15. The January 19, 2012
8 order, Dckt. No. 9, is amended as follows:

9 1. Plaintiff’s ex parte application for leave to take expedited discovery, Dckt. No. 7, is
10 granted in part and denied in part.

11 2. Plaintiff may immediately serve a Rule 45 subpoena on Comcast Cable
12 Communications (the ISP listed for John Doe in Exhibit A to the Amended Complaint) to obtain
13 the following information about John Doe (based on the IP address listed for him in the Exhibit
14 A to the Amended Complaint – 76.114.57.33): name, addresses, telephone numbers, and email
15 addresses. A copy of this order shall be attached to the subpoena.

16 3. Comcast Cable Communications (“Comcast”) will have thirty (30) days from the date
17 a copy of this Order and a copy of the subpoena are served upon it to serve John Doe with a copy
18 of the subpoena and a copy of this order. Comcast may serve John Doe using any reasonable
19 means, including written notice sent to Doe’s last known address, transmitted either by first-class
20 mail or via overnight service. Comcast and John Doe each shall have 30 days from the date of
21 service to file any motions in this court contesting the subpoena (including a motion to quash or
22 modify the subpoena). If that 30-day period lapses without John Doe or Comcast contesting the
23 subpoena, Comcast shall have 14 days to produce to plaintiff the information responsive to the
24 subpoena with respect to John Doe.

25 4. Comcast shall confer with plaintiff before assessing any charge in advance of
26 providing the information requested in the subpoena. If Comcast elects to charge for the costs of

1 production, Comcast shall provide plaintiff with a billing summary and cost reports.

2 5. Comcast shall preserve all subpoenaed information pending Comcast's delivery of
3 such information to plaintiff or the final resolution of a timely filed and granted motion to quash
4 the subpoena with respect to such information.

5 6. Any information disclosed to plaintiff in response to the subpoena may not be used for
6 any improper purpose and may only be used for protecting its rights as set forth in the Amended
7 Complaint.

8 7. Plaintiff's request for an order authorizing plaintiff to serve subpoenas on other ISPs
9 is denied without prejudice.

10 IT IS SO ORDERED.

11 DATED: April 16, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE