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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARED POWERS, et al.,
Plaintiffs,
v.
DOES 1-50,
Defendants.

No. 2:13-cv-1701 JAM CKD

ORDER

Presently before the court is plaintiffs’ motion for leave to serve third party subpoenas. Upon review of the motion, no opposition having been filed and good cause appearing therefor, IT IS HEREBY ORDERED that:

1. Plaintiff’s motion (ECF No. 16) is granted in part;
2. Plaintiff may immediately serve a Rule 45 subpoena on the ISP AOL to obtain the following information about the subscriber with the email address “teabagger1970@aol.com”: *name, address, telephone number, and Media Access Control address*. The subpoena shall have a copy of this order attached.
3. The ISP AOL shall serve a copy of the subpoena and a copy of this order upon the subscriber within thirty from the date of service upon AOL. The subscriber may be served using any reasonable means, including written notice sent to the subscriber’s last known address, transmitted either by first-class mail or via overnight service, or by e-mail notice.

1 4. The ISP AOL and the subscriber shall each have thirty days from the respective dates
2 of service upon them to file any motions contesting the subpoena (including a motion to quash or
3 modify the subpoena). If that period elapses without the filing of a contesting motion, AOL shall
4 have ten days thereafter to produce the information responsive to the subpoena to plaintiff.

5 5. AOL shall preserve any subpoenaed information pending the production of the
6 information to plaintiff and/or the resolution of any timely-filed motion contesting the subpoena.

7 6. If AOL receives a subpoena pursuant to this order, it shall confer with plaintiff before
8 assessing any charge in advance of providing the information requested in the subpoena. If AOL
9 elects to charge for the costs of production, it shall provide plaintiff with a billing summary and
10 cost reports.

11 7. Any information disclosed to plaintiff in response to a Rule 45 subpoena may not be
12 used for any improper purpose and may only be used for protecting plaintiff's rights as set forth
13 in the Complaint.

14 Dated: February 18, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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