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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
Sacramento**

MALIBU MEDIA, LLC,  
Plaintiff,  
vs.  
JOHN DOE subscriber assigned IP  
address 76.220.64.163,  
Defendant.

Case Number: 2:15-cv-02714-MCE-EFB  
**ORDER ON *EX-PARTE* MOTION FOR  
LEAVE TO SERVE THIRD PARTY  
SUBPOENA PRIOR TO A RULE 26(f)  
CONFERENCE**

**THIS CAUSE** came before the Court upon Plaintiff’s Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference (the “Motion”), and the Court being duly advised in the premises does hereby:

**FIND, ORDER AND ADJUDGE:**

1. Plaintiff established that “good cause” exists for it to serve a third party subpoena on AT&T Internet Services (hereinafter the “ISP”). See *UMG Recording, Inc. v. Doe*, 2008 WL 4104214, \*4 (N.D. Cal. 2008); and *Arista Records LLC v. Does 1-19*, 551 F. Supp. 2d 1, 6-7 (D.D.C. 2008).

2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to provide Plaintiff with the true name and address of the Defendant to whom the ISP

1 assigned an IP address as set forth on Exhibit A to the Complaint. Plaintiff shall attach  
2 to any such subpoena a copy of this Order.

3 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as  
4 above on any service provider that is identified in response to a subpoena as a  
5 provider of Internet services to one of the Defendants.

6 4. If the ISP qualifies as a "cable operator," as defined by 47 U.S.C. §  
7 522(5), which states:

8 the term "cable operator" means any person or group of persons

9 (A) who provides cable service over a cable system and directly or  
10 through one or more affiliates owns a significant interest in such  
11 cable system, or

12 (B) who otherwise controls or is responsible for, through any  
13 arrangement, the management and operation of such a cable  
14 system.

15 it shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

16 A cable operator may disclose such [personal identifying] information if  
17 the disclosure is . . . made pursuant to a court order authorizing such  
18 disclosure, if the subscriber is notified of such order by the person to  
19 whom the order is directed.

20 by sending a copy of this Order to the Defendant.

21 5. Plaintiff may only use the information disclosed in response to a Rule 45  
22 subpoena served on the ISP for the purpose of protecting and enforcing Plaintiff's  
23 rights as set forth in its Complaint.

24 IT IS SO ORDERED.

25 Dated: March 8, 2016

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