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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **Sacramento**

11 MALIBU MEDIA, LLC,  
12 Plaintiff,

13 vs.

14  
15 VICTOR HERSHBERGER,  
16 Defendant.

Case Number: 2:16-cv-00330-JAM-KJN

**ORDER REGARDING PLAINTIFF'S**  
**MOTION FOR ENTRY OF AN ORDER**  
**AUTHORIZING PLAINTIFF TO SERVE**  
**A THIRD PARTY SUBPOENA ON**  
**COMCAST AND AUTHORIZING**  
**COMCAST TO RELEASE CERTAIN**  
**SUBSCRIBER INFORMATION ABOUT**  
**DEFENDANT**

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19 Presently pending before the court is a Motion For Entry of an Order Authorizing  
20 Plaintiff to Serve a Third Party Subpoena on Comcast and Authorizing Comcast to Release  
21 Certain Subscriber Information About Defendant (the "Motion"). (ECF No. 26.) Defendant  
22 does not oppose the motion. (ECF No. 26 at 9.) After carefully considering the written briefing  
23 and the court's record, IT IS HEREBY ORDERED that:

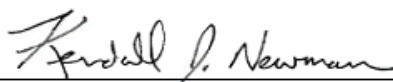
- 24  
25 1. Plaintiff's Motion (ECF No. 26) is **GRANTED**.  
26 2. Plaintiff may serve on Comcast a subpoena seeking the following information  
27 through the production of documents and deposition testimony:

- 1 (a) Any and all document(s) that refers, relates to or comprises a record that the  
2 Defendant received a DMCA notice within the applicable Time Period (March 17,  
3 2014 through December 8, 2015), pursuant to 17 U.S.C. 512(c)(1)(C), including  
4 but not limited to the DMCA record;
- 5 (b) Any and all document(s) that refers, relates to or comprises a record that the  
6 Defendant received a copyright infringement notice forwarded by Comcast within  
7 the applicable Time Period, pursuant to any copyright infringement alert system or  
8 any other internal procedure which Comcast follows;
- 9 (c) Any and all document(s) that refers, relates to or comprises a record that Comcast  
10 notified Defendant of the instant lawsuit;
- 11 (d) Any and all document(s) that refers, relates to or comprises a record of Comcast's  
12 lease or rental of any electronic devices to Defendant within the applicable Time  
13 Period. This includes any documentation which state the make, model number,  
14 and serial numbers of any and all modems and routers which Comcast leased to  
15 Defendant;
- 16 (e) Any and all document(s) that refers, relates to or comprises a record of Comcast's  
17 policies and procedures regarding the installation and maintenance of passwords  
18 on a subscriber's modem or router;
- 19 (f) Any and all document(s) that refers, relates to or comprises a record of Comcast's  
20 policies and procedures of correlating internet subscribers to IP addresses, and any  
21 information regarding the accuracy of such correlations.
- 22 (g) Any and all document(s) that refers, relates to or comprises a record that the  
23 Defendant was the internet subscriber assigned IP Address 71.193.37.58 on  
24 December 8, 2015 at 04:39:01 UTC.
- 25 (h) Any and all document(s) that refers, relates to or comprises a record that Comcast  
26 advised Defendant that he change his password on his modem, router, or Comcast  
27 account since Defendant's IP address may have been compromised.

18 3. Prior to noticing any oral deposition of Comcast, the parties shall meet and confer in  
19 good faith with each other and Comcast regarding convenient dates as well as the  
20 potential for less burdensome means of securing needed information or evidence,  
21 such as obtaining appropriate declarations, securing stipulations, and/or conducting a  
22 deposition by written questions.  
23

24 IT IS SO ORDERED.

25 Dated: June 13, 2017

26   
27 KENDALL J. NEWMAN  
28 UNITED STATES MAGISTRATE JUDGE