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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	MALIBU MEDIA, LLC,	No. 2:15-cv-2701-JAM-KJN, et al.	
12	Plaintiff,		
13	v.	ORDER	
14	JOHN DOE SUBSCRIBER ASSIGNED IP ADDRESS 108.206.113.196, et al.		
15	II ADDRESS 100.200.113.170, ct al.		
16	Defendants.		
17	Derendunts.		
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19	On May 5, 2016, the court conducted	a global hearing with respect to plaintiff Malibu	
20	Media, LLC's ex parte motions to conduct expedited discovery that had been pending in several		
21	related actions filed by plaintiff in the Sacramento division of this district. In connection with		
22	those motions, plaintiff lodged with the court for initial in camera review a status report		
23	addressing various questions/issues outlined in the court's April 8, 2016 order scheduling the		
24	May 5, 2016 hearing, as well as representative samples of plaintiff's settlement correspondence		
25	and settlement agreements. The status report was subsequently filed on the court's public docket,		
26	and the exhibits to the status report, which contain confidential settlement correspondence and		
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1	settlement agreements, were filed under seal. ¹ At the May 5, 2016 hearing, plaintiff's sole owner,		
2	Colette Pelisseir Field, appeared along with counsel and responded to further questioning by the		
3	court. Following that hearing, on May 10, 2016, the court issued a comprehensive order granting		
4	the motions to conduct expedited discovery in all of the related cases, subject to certain		
5	restrictions identified in that order.		
6	Subsequently, plaintiff commenced several new actions, which were also ultimately		
7	related to this action on August 4, 2016. Thereafter, on September 28, 2016, plaintiff filed ex		
8	parte motions to conduct expedited discovery in each of the newly-related actions, which were		
9	then submitted for decision on the record and written briefing without a hearing.		
10	After carefully considering the court's record and the applicable law, IT IS HEREBY		
11	ORDERED that:		
12	1. Based on the showing made in plaintiff's motions, as well as plaintiff's representations		
13	made in its status report filed in Malibu Media, LLC v. John Doe subscriber assigned		
14	IP address 108.206.113.196, 2:15-cv-2701-JAM-KJN, ECF Nos. 11, 12, and verbally		
15	at the May 5, 2016 hearing in that matter, the court finds that plaintiff has shown that		
16	good cause exists to conduct the requested expedited discovery in these cases in an		
17	attempt to identify the respective John Doe defendants. See Semitool, Inc. v. Tokyo		
18	Electron Am, Inc., 208 F.R.D. 273, 276 (N.D. Cal. 2002). As such, plaintiff's motions		
19	are GRANTED, subject to the restrictions outlined below.		
20	2. Plaintiff may immediately serve a Rule 45 subpoena ("Subpoena") on the internet		
21	service provider ("ISP") identified in Exhibit A to the operative complaint in each		
22	case, or on any other entity identified as providing internet services to the John Doe		
23	defendant at the particular IP address, to obtain information to identify the John Doe		
24	defendant; more specifically, his or her name and address. The ISP shall NOT release		
25	the subscriber's telephone number or e-mail address. A copy of this order shall be		
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27	¹ Those documents were filed on the court's docket in the first-filed case, <u>Malibu Media, LLC v.</u>		
28	John Doe subscriber assigned IP address 108.206.113.196, 2:15-cv-2701-JAM-KJN, ECF Nos. 11, 12.		
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1		attached to the Subpoena in each case.	
2	3.	The ISP shall have 30 days from the date of service of the Subpoena upon it to serve	
3		the John Doe defendant with a copy of the Subpoena and a copy of this order. The	
4		ISP may serve the John Doe defendant using any reasonable means, including written	
5	notice sent to his or her last known address, transmitted either by first-class mail or		
6		overnight service.	
7	4.	The John Doe defendant shall have 60 days from the date of service of the Subpoena	
8	and this order upon him or her to file any motions with this court contesting the		
9	Subpoena (including a motion to quash or modify the Subpoena), as well as any		
10		request to litigate the Subpoena anonymously. The ISP may NOT turn over the John	
11		Doe defendant's identifying information to plaintiff before the expiration of this 60-	
12		day period. Additionally, if the John Doe defendant or ISP files a motion to quash the	
13	Subpoena, the ISP may not turn over any information to the plaintiff until the motion		
14	has been resolved by the court. A John Doe defendant who moves to quash or modify		
15	the subpoena, or to proceed anonymously, shall at the same time as his or her filing		
16	notify the ISP so that the ISP is on notice not to release any of the John Doe		
17	defendant's information to plaintiff until the court rules on any such motions.		
18	5.	If the above-mentioned time periods elapse without the John Doe defendant or ISP	
19		contesting the Subpoena, the ISP shall have 10 days to produce the information	
20		responsive to the Subpoena to plaintiff.	
21	6.	Upon service with the Subpoena, the ISP shall preserve any subpoenaed information	
22		until either the information is produced to plaintiff or a timely-filed motion to quash	
23	the subpoena is resolved by the court.		
24	7.	Any information ultimately disclosed to plaintiff in response to a Subpoena may be	
25	used by plaintiff for the sole purpose of protecting plaintiff's rights as set forth in the		
26		operative complaint.	
27	Th	is order resolves all pending <i>ex parte</i> motions for expedited discovery in the following	
28	cases, and shall be filed by the Clerk of Court on the dockets of all the following cases:		
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1	2:16-cv-01708-JAM-KJN	ECF No. 15
2	2:16-cv-01709- JAM-KJN	ECF No. 16
3	2:16-cv-01710- JAM-KJN	ECF No. 9
4	2:16-cv-01711- JAM-KJN	ECF No. 8
5	2:16-cv-01712- JAM-KJN	ECF No. 9
6	2:16-cv-01713-JAM-KJN	ECF No. 6
7	2:16-cv-01714- JAM-KJN	ECF No. 7
8	2:16-cv-01715- JAM-KJN	ECF No. 8
9	2:16-cv-01716- JAM-KJN	ECF No. 8
10	2:16-cv-01717- JAM-KJN	ECF No. 7
11	2:16-cv-01718- JAM-KJN	ECF No. 7
12	2:16-cv-01719- JAM-KJN	ECF No. 7
13	2:16-cv-01720- JAM-KJN	ECF No. 7
14	2:16-cv-01721- JAM-KJN	ECF No. 8
15	2:16-cv-01722-JAM-KJN	ECF No. 6
16	2:16-cv-01723- JAM-KJN	ECF No. 7
17	2:16-cv-01724- JAM-KJN	ECF No. 8
18	2:16-cv-01725- JAM-KJN	ECF No. 6
19	2:16-cv-01726- JAM-KJN	ECF No. 6
20	2:16-cv-01727- JAM-KJN	ECF No. 7
21	2:16-cv-01728- JAM-KJN	ECF No. 8
22	2:16-cv-01729- JAM-KJN	ECF No. 8
23	2:16-cv-01733- JAM-KJN	ECF No. 7
24	IT IS SO ORDERED	
25	Dated: October 11, 2016	
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KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE