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Attorney for Plaintiff
 IO GROUP, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

IO GROUP, INC. d/b/a TITAN MEDIA, a
 California corporation,

Plaintiff,

vs.

GARY NIEDERHELMAN and CHRISTIAN
 TROY, individuals residing in the state of New
 Jersey,

Defendants.

)

) **CASE NO.: 09-4401 (HRL)**

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)

) **~~[PROPOSED]~~ ORDER GRANTING IN PART**

) **PLAINTIFF IO GROUP, INC. LEAVE**

) **TO TAKE DISCOVERY PRIOR TO**

) **RULE 26 CONFERENCE**

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)

) **No Hearing**

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~~[PROPOSED]~~ ORDER

Having considered Plaintiff's Miscellaneous Administrative Request Pursuant to Local
 Rule 7-11 for Leave to Take Discovery Prior to Rule 26 Conference and finding good cause
 therefore,

IT IS HEREBY ORDERED, that plaintiff is granted leave to take early discovery.

Plaintiff may immediately serve on Defendant Gary Niederhelman ~~Requests for Admissions,~~
~~Requests for Production and~~ Interrogatories, in substantially the same form as those attached to
 Plaintiff's Miscellaneous Administrative Request for Leave to Take Early Discovery at Exhibit A.

1 **IT IS FURTHER ORDERED**, that upon obtaining Internet protocol addresses from
 2 Defendant Gary Niederhelfman, plaintiff may serve on Internet access providers subpoenas to
 3 obtain subscriber information for subscribers assigned ip addresses provided by Gary
 4 Niederhelfman. Such subpoenas should be substantially in the same form as the example attached
 5 to plaintiff's Miscellaneous Administrative Request for Leave to Take Discovery Prior to Rule 26
 6 Conference as Exhibit B;

8 **IT IS FURTHER ORDERED**, that if any Internet access provider served with a
 9 subpoena in accordance with this Order identifies a downstream access provider rather than an
 10 individual subscriber, plaintiff may serve on the downstream provider(s) such additional
 11 subpoenas as necessary in order to identify the individual subscriber assigned the ip address on the
 12 date and time in question;

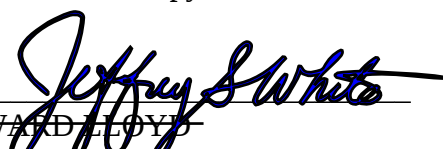
14 **IT IS FURTHER ORDERED**, that subpoenas authorized by this order and issued
 15 pursuant thereto shall be deemed appropriate court orders under 47 U.S.C. §551;

17 **IT IS FURTHER ORDERED**, that Internet access providers shall have twenty-one (21)
 18 days from the date they are served a subpoena and a copy of this order to respond to the subpoena
 19 in order that such provider shall have sufficient time to provide notice to the subscriber whose
 20 subscriber information plaintiff seeks to obtain thereby; and

22 **IT IS FURTHER ORDERED**, that good faith attempts by Internet service providers to
 23 notify the subscribers shall constitute compliance with this order.

24 It is FURTHER ORDERED that if Plaintiff is unable to obtain the necessary information by way
 25 of the interrogatories, it may renew its request for an order authorizing early discovery of
 26 documents. It is FURTHER ORDERED that Plaintiff shall serve a copy of this Order on
 27 Defendant and file proof of such service with the Court.

28 Dated: November 6, 2009


~~HOWARD LLOYD~~
~~UNITED STATES MAGISTRATE JUDGE~~
 JEFFREY S. WHITE
 UNITED STATES DISTRICT JUDGE