

1 Brett L. Gibbs, Esq. (SBN 251000)  
 Steele Hansmeier PLLC.  
 2 38 Miller Avenue, #263  
 Mill Valley, CA 94941  
 3 415-325-5900  
[blgibbs@wefightpiracy.com](mailto:blgibbs@wefightpiracy.com)

4 *Attorney for Plaintiff*

5  
 6 IN THE UNITED STATES DISTRICT COURT FOR THE  
 7  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 9  
 10 SAN FRANCISCO DIVISION

11 BOY RACER, INC., )  
 12 )  
 Plaintiff, )  
 13 v. )  
 )  
 14 DOES 1-73, )  
 )  
 15 Defendants. )  
 16 )

**No. C-11-02534 MEJ**

**[PROPOSED] ORDER GRANTING  
 PLAINTIFF’S APPLICATION FOR  
 LEAVE TO TAKE DISCOVERY  
 PRIOR TO RULE 26(f) CONFERENCE**

17 **ORDER GRANTING PLAINTIFF’S APPLICATION FOR LEAVE TO TAKE DISCOVERY**  
 18 **PRIOR TO RULE 26(f) CONFERENCE**

19 The Court has reviewed Plaintiff’s *Ex Parte* Application for Leave to Take Discovery Prior  
 20 to Rule 26(f) Conference (DKT#5). Good cause appearing therefore and for the reasons cited in  
 21 Plaintiff’s Application (DKT#5), said application is **GRANTED**. *See UMG Recordings v. Does 1-4*,  
 22 64 Fed. R. Serv.3d 305 (N.D. Cal. 2006). Plaintiff is hereby authorized to serve Rule 45 subpoenas  
 23 and a copy of this Order upon each and every Internet Service Provider (ISPs) identified in Exhibit  
 24 A attached to the Complaint. The information sought shall be limited to information sufficient to  
 25 identify each Defendant based on supplied IP addresses, including name, current (and permanent)  
 26 address, telephone number, e-mail address, and Media Access Control address.  
 27  
 28

1 Each ISP so served shall, in turn, serve a copy of the subpoena and a copy of this Order upon  
2 the subscriber (whose identity is sought through the subpoena and for whom Plaintiff has provided  
3 an IP address) within five (5) days of the ISP's receipt of the subpoena. The subscribers shall then  
4 have fifteen (15) days from the date of service upon them to file any objections with this Court. If  
5 that 15-day period elapses without any subscriber filing an objection or motion to quash, the ISP  
6 served with the subpoena shall have ten (10) days after said lapse to produce each subscriber's name,  
7 address, telephone number, e-mail address, and Media Access Control addresses to Plaintiff  
8 pursuant to the subpoena.  
9

10 The Court further orders that any information disclosed to Plaintiff in response to a Rule 45  
11 subpoena may be used by Plaintiff solely for the purpose of prosecuting this litigation. Plaintiff and  
12 any entity which receives a subpoena shall confer, if necessary, with respect to the issue of payment  
13 for the information requested in the subpoena. If any entity subpoenaed pursuant to this Order  
14 wishes to move to quash the subpoena, it must do so before the return date of the subpoena, which  
15 shall be thirty (30) days from the date of service. It is ordered that the subpoenaed entity shall  
16 preserve any subpoenaed information pending the resolution of any timely-filed motion to quash.  
17

18 This order disposes of Docket No. 5.  
19

20 IT IS SO ORDERED.  
21

22 DATED: \_\_\_\_\_

\_\_\_\_\_  
23 Maria-Elena James  
24 United States Chief Magistrate Judge  
25  
26  
27  
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