

1 Brett L. Gibbs, Esq. (SBN 251000)
 Of Counsel to Prenda Law Inc.
 2 38 Miller Avenue, #263
 Mill Valley, CA 94941
 3 415-325-5900
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 AF HOLDINGS LLC,)
 12)
 Plaintiff,)
 13)
 v.)
 14)
 JOHN DOE,)
 15)
 Defendant.)
 16 _____)

Case No. 3:12-cv-03251-JSW

**~~PROPOSED~~ ORDER GRANTING
 PLAINTIFF'S EX PARTE
 APPLICATION FOR LEAVE TO TAKE
 EXPEDITED DISCOVERY
 AS MODIFIED HEREIN**

17 **ORDER GRANTING PLAINTIFF'S *EX PARTE* APPLICATION FOR LEAVE TO TAKE**
 18 **EXPEDITED DISCOVERY**

19 The Court has reviewed the Complaint with attached Exhibits, Plaintiff's *Ex Parte*
 20 Application for Leave to Take Expedited Discovery and all the papers filed in connection with the
 21 motion, and relevant case law. Accordingly, it is hereby

22 ORDERED that Plaintiff's *Ex Parte* Application for Leave to Take Discovery is GRANTED;
 23 it is further

24 ORDERED that Plaintiff may immediately serve Rule 45 subpoena(s) to identify John Doe
 25 associated with Internet Protocol ("IP") address listed in the Complaint, which are limited to the
 26 following categories of entities and information:

27 From Internet Service Provider (ISP) identified in Plaintiff's *Ex Parte* Application for
 28 Leave to Take Expedited Discovery and any other entity identified as a provider of

1 Internet services to John Doe in response to a subpoena or as a result of ongoing
2 BitTorrent activity monitoring; information sufficient to identify John Doe associated
3 with IP address listed in the Complaint, including name, current (and permanent)
4 address, telephone number, e-mail address, and Media Access Control address; it is
5 further

6 ORDERED any information disclosed to the Plaintiff in response to a Rule 45 subpoena may
7 be used by the Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its
8 Complaint; it is further

9 ORDERED that Plaintiff and any entity which receives a subpoena shall confer, if necessary,
10 with respect to the issue of payment for the information requested in the subpoena or for resolution
11 of IP addresses which are not controlled by such entity, duplicate IP addresses that resolve to the
12 same individual, other IP addresses that do not provide the name and other information requested of
13 a unique individual, or for the entity's internal costs to notify its customers; it is further

14 ORDERED that any entity which receives a subpoena and elects to charge for the costs of
15 production shall provide a billing summary and any cost reports that serve as a basis for such
16 billing summary and any costs claimed by such entity; it is further

17 ORDERED that Plaintiff shall serve a copy of this Order along with any subpoenas issued
18 pursuant to this Order; it is further

19 ORDERED that if any entity subpoenaed pursuant to this Order wishes to move to quash the
20 subpoena, it must do so before the return date of the subpoena, which shall be 30 days from the date

21 of service. IT IS FURTHER ORDERED that, if after receiving notice of the subpoena, any defendant
wishes to move to quash, that defendant also must do so before the return date of the subpoena.

22 Finally, it is ORDERED that the subpoenaed entity shall preserve any subpoenaed
23 information pending the resolution of any timely-filed motion to quash;

24
25
26
27
28

DATED: July 13, 2012


United States District Judge