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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12  
 13 San Francisco Division

14 HARMEET K. DHILLON,

15 Plaintiff,

17 v.

18 DOE 1, an unknown individual, et al.,

20 Defendants.

Case No. 13-01465-JCS

AMENDED<sup>1</sup> ~~PROPOSED~~ ORDER  
 GRANTING PLAINTIFF'S *EX*  
*PARTE* APPLICATION FOR LEAVE  
 TO TAKE LIMITED DISCOVERY  
 PRIOR TO A RULE 26(f)  
 CONFERENCE

22 <sup>1</sup> Plaintiff's *Ex Parte* Application For Leave to Take Limited Discovery Prior to a Rule  
 23 26(f) Conference, filed April 2, 2013 (Doc. 2), sought leave to serve a subpoena on "New  
 24 Dream Network, LLC, on behalf of DreamHost." However, the original [Proposed]  
 25 Order submitted with that *ex parte* application (Doc. 2-1), and the subsequent Order  
 26 filed on April 3, 2013 (Doc. 6), contained a typographical error with respect to the name  
 27 of the subpoenaed entity, listing it as "DreamHost Network, LLC, on behalf of  
 28 DreamHost." Plaintiff thus respectfully requests that the Court remedy this error by  
 granting this Amended [Proposed] Order, which is identical in substance to the Court's  
 Order of April 3rd, other than with respect to the name of the entity to be subpoenaed.

1           The Court, having reviewed Plaintiff's *Ex Parte* Application for Leave to Take  
2 Limited Discovery Prior to a Rule 26 Conference and the supporting documents  
3 submitted therewith, and good cause appearing therefore, hereby grants Plaintiff's *Ex*  
4 *Parte* Application and orders as follows:

5           1.       **IT IS HEREBY ORDERED** that Plaintiff is allowed to serve immediate  
6 discovery on New Dream Network, LLC, on behalf of DreamHost, in order to obtain  
7 the identity of the Doe Defendants listed in Plaintiff's Complaint by serving a Rule 45  
8 subpoena that seeks information sufficient to identify each such Defendant, including  
9 the account information for the domain name "Mungergames.net," hosted by  
10 DreamHost, and the name, addresses, telephone numbers, and email addresses of each  
11 such Defendant.

12           2.       **IT IS FUTHER ORDERED** that Plaintiff's counsel shall issue subpoena(s)  
13 in substantially the same form as the example attached as Exhibit 1 to Plaintiff's *Ex Parte*  
14 Application for Leave to Take Limited Discovery Prior to a Rule 26 Conference, with  
15 each subpoena including a copy of this Order.

16           3.       **IT IS FURTHER ORDERED** that New Dream Network, LLC, will have 30  
17 days from the date of service upon it to serve each entity or person whose information  
18 is sought with a copy of the subpoena and a copy of this Order. New Dream Network,  
19 LLC may serve the entities and persons using any reasonable means, including written  
20 notice sent to the entity's or person's last known address, transmitted either by first-  
21 class mail or overnight service.

22           4.       **IT IS FURTHER ORDERED** that each entity and person and New Dream  
23 Network, LLC, will have 30 days from the date of service upon him, her, or it to file any  
24 motions in this court contesting the subpoena (including a motion to quash or modify  
25 the subpoena). If that 30-day period lapses without the entity contesting the subpoena,  
26  
27  
28

1 New Dream Network, LLC, shall have 10 days to produce to Plaintiff the information  
2 responsive to the subpoena with respect to that entity.

3 5. **IT IS FURTHER ORDERED** that, because no appearance by a person at a  
4 deposition is required by the subpoena, instead only production of documents, records  
5 and the like is required, the witness and mileage fees required by Rule 45(b)(1) of the  
6 Federal Rules of Civil Procedure do not apply and no such fees need be tendered.

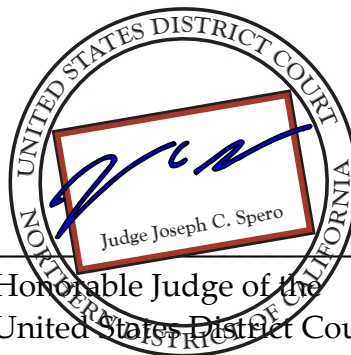
7 6. **IT IS FURTHER ORDERED** that New Dream Network, LLC, shall not  
8 assess any charge to the Plaintiff in advance of providing the information requested in  
9 the subpoena, and that if New Dream Network, LLC, elects to charge for the costs of  
10 production, it shall provide a billing summary and cost reports that serve as a basis for  
11 such billing summary and any costs claimed by such recipient.

12 7. **IT IS FURTHER ORDERED** that New Dream Network, LLC, shall  
13 preserve all subpoenaed information pending its delivering such information to  
14 Plaintiff or the final resolution of a timely filed and granted motion to quash the  
15 subpoena with respect to such information.

16 8. **IT IS FURTHER ORDERED** that any information disclosed to Plaintiff in  
17 response to a subpoena may be used by Plaintiff solely for the purpose of protecting its  
18 rights under the Copyright Act, 17 U.S.C. § 101 et seq, and may not be disclosed to  
19 anyone other than the parties in this action and their counsel of record pending further  
20 order of this Court.

21  
22 **IT IS SO ORDERED.**

23  
24 Date: 4/9, 2013



25  
26 Honorable Judge of the  
27 United States District Court,  
28 Northern District of California