

1 MARC E. MAYER (SBN 190969), mem@msk.com
 EMILY F. EVITT (SBN 261491), efe@msk.com
 2 MITCHELL SILBERBERG & KNUPP LLP
 11377 West Olympic Boulevard
 3 Los Angeles, CA 90064-1683
 Telephone: (310) 312-2000
 4 Facsimile: (310) 312-3100

5 Attorneys for Plaintiffs Nicholas Assef and
 Lincoln Crowne & Company Pty Ltd
 6
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION
 11

12 NICHOLAS ASSEF, an individual; and
 LINCOLN CROWNE & COMPANY PTY
 13 LTD, an Australian corporation,

14 Plaintiffs,

15 v.

16 DOES 1-10,

17 Defendants.
 18

CASE NO. 3:15-CV-01960 MEJ

The Honorable Maria-Elena James

**~~PROPOSED~~ ORDER ON EX PARTE
 APPLICATION FOR:
 (1) LEAVE TO TAKE ADDITIONAL
 LIMITED IMMEDIATE DISCOVERY;
 (2) AN EXTENSION OF TIME TO
 AMEND AND SERVE THE
 COMPLAINT; AND
 (3) A CONTINUANCE OF THE STATUS
 CONFERENCE**

[NOTICE AND EX PARTE APPLICATION,
 MEMORANDUM OF POINTS AND
 AUTHORITIES AND EMILY F. EVITT
 DECLARATION FILED CONCURRENTLY
 HEREWITH]

1 **ORDER**

2 The Court GRANTS Plaintiffs' *Ex Parte* Application as modified and orders as follows:

3 1. Plaintiffs may serve an additional subpoena pursuant to Federal Rule of Civil
4 Procedure 45 on Google Inc. to obtain:
5 • Documents sufficient to identify the names, addresses, telephone numbers, and e-
6 mail addresses of the individuals and/or entities who created and own the Gmail
7 Address used to register the blog located at www.lincolncrowne.blogspot.com; and
8 • Documents sufficient to identify the IP addresses used to create and access the
9 Gmail Address;
10 (collectively, the "Identifying Information"). Plaintiffs must serve on Google a copy of this Order
11 attached to the subpoena.

12 2. Google shall have 21 days from service of the subpoena to serve Defendants with a
13 copy of the subpoena and this Order. Google may serve Defendants using any reasonable means,
14 including written notice sent to the last known address, transmitted either by first-class mail or via
15 overnight service.

16 3. Google and Defendants shall each have 21 days from the date of service upon him,
17 her, or it to file any motions in this Court contesting the subpoena (including a motion to quash or
18 modify the subpoena). If neither Google nor Defendants moves or objects within these time
19 periods, Google shall have 7 days to serve the Identifying Information on Plaintiffs.

20 4. If any motions are brought to quash or otherwise object to the subpoena, Google
21 shall preserve the Identifying Information pending resolution of such motions.

22 5. Any information disclosed to Plaintiffs in response to the subpoena may be used
23 solely for the purpose of protecting their rights as set forth in the Complaint.

24 ///

25 ///

26 ///

27 ///

1 6. Plaintiffs' deadline to amend the Complaint shall be extended from November 2,
2 2015, to December 21, 2015.


3 7. Plaintiffs' deadline to serve the Complaint shall be extended from November 2,
4 2015, to December 21, 2015.

5 8. The Initial Case Management Conference, currently scheduled for November 19,
6 2015 at 10:00 a.m., shall be continued to January 14, 2016 at 10:00 a.m.

7 9. Plaintiffs shall file a supplemental Case Management Statement by January 7,
8 2016.

9 IT IS SO ORDERED.

10
11 DATED: October 27, 2015



Honorable Maria Elena James
United States Magistrate Judge

28