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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BMW OF NORTH AMERICA, LLC, a
Delaware Limited Liability Company; and
BAYERISCHE MOTOREN WERKE AG, a
German Corporation,

No. C 15-2924 CRB

**Order Re Motion for Administrative Relief
Allowing Limited and Expedited Discovery**

Plaintiffs,

v.

ABDUL ZAHRA, an Individual; HAKEEM
ZAHRA, an Individual; HAZEM ZAHRA, an
Individual; REEM ZAHRA, an Individual;
HEBA JAMALEDDIN, an Individual; and
DOES 1-10, inclusive,

Defendants.

Plaintiffs have moved for miscellaneous administrative relief under Civil Local Rule 7-11. They seek limited, expedited discovery prior to a Rule 26(f) conference to identify the extent of Defendants' "sales and/or distributions of counterfeit BMW-branded automotive products to consumers through eBay.com, with payment processing through PayPal.com." See Motion (dkt. 20) at 2. Default has been entered against the named Defendants. See Clerk's Entry of Default (dkt. 19). Federal Rule of Civil Procedure 26(d) permits expedited discovery in advance of a Rule 26(f) scheduling conference on a showing of good cause. See Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273, 276 (N.D. Cal. 2002). Good cause exists where "the need for expedited discovery, in consideration of the administration

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1 of justice, outweighs the prejudice to the responding party.” Id. Plaintiffs here have shown
2 good cause for limited discovery prior to a Rule 26(f) conference, and thus the Court
3 GRANTS Plaintiffs' motion for administrative relief. The Court ORDERS that:

- 4
- 5 1. Plaintiffs may serve immediate discovery upon eBay, Inc. and PayPal, Inc.
6 pursuant to Fed. R. Civ. P. 45 seeking information and production of
7 documentation to determine the full extent, if any, of Defendants Abdul Zahra,
8 Hakeem Zahra, Hazem Zahra, Reem Zahra, and Heba Jamaledin’s dealings in
9 counterfeit BMW-branded products on eBay.com, with payment processing
10 through PayPal.com, under seller IDs “bmw_only.48,” “motor_sport_parts,”
11 “frontdiss,” “3sfora2012,” and “bavarianparts94,” and/or any other seller IDs
12 associated with Defendants that are presently unknown to Plaintiffs. eBay, Inc.
13 and PayPal, Inc. shall preserve any subpoenaed information or materials
14 pending compliance with the subpoenas or resolution of any timely objection
15 or motion to quash.
 - 16 2. Plaintiffs must serve a notice and a copy of each subpoena to be served upon
17 Defendants, along with a copy of this Order.
 - 18 3. Plaintiffs must serve a copy of this Order upon eBay, Inc. and PayPal, Inc.
19 when the subpoenas are served.
 - 20 4. Any information disclosed to Plaintiffs by eBay, Inc. and PayPal, Inc. in
21 response to the Fed. R. Civ. P. 45 subpoenas to be served may be used by
22 Plaintiffs solely for the purpose of this pending litigation.

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24 **IT IS SO ORDERED.**

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26 Dated: September 24, 2015



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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE