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11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN FRANCISCO**  
 14

15 MALIBU MEDIA, LLC,  
 16  
 Plaintiff,  
 17  
 vs.  
 18 JOHN DOE subscriber assigned IP address  
 19 76.126.99.126,  
 20 Defendant.  
 21  
 22  
 23

Case Number: 3:15-cv-4441-WHA  
 Order re:

**JOINT STIPULATION TO EXTEND  
 CERTAIN DATES AND DEADLINES  
 REFLECTED IN THE CASE  
 MANAGEMENT ORDER, AND TO  
 MODIFY OR VACATE, IN PART, THE  
 ANONYMITY ORDER TO SECURE  
 DEFENDANT'S EMPLOYMENT  
 RECORDS AND TO EXTEND TIME TO  
 TAKE THE DEPOSITION OF EMILIE  
 KENNEDY**

27 Order re:  
 Stipulation to Extend Certain Dates and Deadlines Reflected in the Case Management Order, and to Modify, or Vacate,  
 in part, the Anonymity Order to Secure Defendant's Employment Records  
 28 Case Number: 3:15-cv-4441-WHA

1 This Stipulation is made on this 6<sup>th</sup> day of January, 2017, by and between Plaintiff, Malibu  
2 Media, LLC (“Plaintiff”), and Defendant, John Doe Subscriber assigned IP address 76.126.99.126  
3 (“Defendant”).

4 **STIPULATION TO EXTEND CERTAIN DATES AND DEADLINES REFLECTED IN THE**  
5 **CASE MANAGEMENT ORDER**

6 NOW, THEREFORE, the parties hereby stipulate to extend certain dates reflected in the  
7 Case Management Order [Document No. 35] as follows:

8 1. The Parties’ Expert Reply Reports are due January 6, 2017. The Parties stipulate to  
9 extend the deadline for two (2) weeks – to January 20, 2017.

10 2. Expert discovery cut-off deadline is currently January 20, 2017. The Parties  
11 stipulate to extend the deadline for ten (10) days - to January 30, 2017.

12 3. Dispositive motions are required to be filed by January 26, 2017 and heard 35 days  
13 after that deadline, which is March 2, 2017. The Parties stipulate to extend the dispositive motion  
14 deadline for one (1) week - to February 2, 2017, with the dispositive motions then being heard 35  
15 days thereafter, by March 9, 2017.

16  
17 **STIPULATION TO MODIFY OR VACATE, IN PART, THE ANONYMITY ORDER TO**  
18 **SECURE DEFENDANT’S EMPLOYMENT RECORDS**

19 4. WHEREAS, the Court entered an Order Granting Plaintiff’s Ex Parte Motion for  
20 Leave to Serve Third-Party Subpoena Prior to Rule 26(f) Conference, dated November 8, 2015  
21 [Document No. 12];

22 5. WHEREAS, the Order dated November 8, 2015 contains, inter alia, a provision  
23 which states that: “Malibu Media shall not disclose defendant’s name, address, telephone number,  
24 email, social media username, or any other identifying information, other than defendant’s IP  
25 address, that it may subsequently learn. All documents including defendant’s identifying  
26

1 information, apart from his or her IP address, shall be filed under seal, with all such information  
2 redacted on the public docket, unless and until the Court orders otherwise and only after defendant  
3 has had an opportunity to challenge the disclosure of any identifying information. Malibu Media  
4 explicitly consented to the inclusion of such a protection in its motion.”

5 6. WHEREAS, Defendant has indicated that he was at his place of employment during  
6 certain dates and times of the alleged infringement;

7 7. WHEREAS, Plaintiff, seeking to verify the accuracy of Defendant’s timesheets and  
8 calendar advised Defendant of its intent to subpoena Defendant’s employer. Defendant objected  
9 and set forth privacy concerns stemming from the disclosure of Defendant’s identity to his  
10 employer;

11 8. WHEREAS, the matter came before the Court at a conference on December 21,  
12 2016, and the Court required that Defendant’s employment records be produced for certain dates,  
13 including February 19, 2015; May 26, 2015; May 27, 2015; August 18, 2015; August 19, 2015;  
14 August 20, 2015; August 21, 2015; September 13, 2015; and November 14, 2015, all as reflected in  
15 the transcript of the proceedings.

16 9. WHEREAS, the Parties conferred by telephone, including with the City Attorney’s  
17 office, who advised that there was no method to comply with a subpoena for records without all  
18 relevant identifying information being reflected in the subpoena, including but not limited to, the  
19 Defendant’s name, Plaintiff’s name, the name of the Court, and case number.

20 10. NOW, THEREFORE, the parties hereby stipulate to modify, or vacate, in part the  
21 anonymity order dated November 8, 2015 (or any other anonymity order entered in this case) in  
22 order to effectuate service of the subpoena to procure Defendant’s employment records. Nothing  
23 herein shall be construed the vary the requirement that any documents filed with the Court shall be  
24 filed under seal, as reflected in the order.

