

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FONOVISA, INC., *et al.*,
Plaintiffs,
v.
JOHN DOE,
Defendant.

No. C-08-3996 EMC

ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY
(Docket No. 3)

Upon Plaintiffs' Ex Parte Application for Leave to Take Immediate Discovery, the Declaration of Carlos Linares, and the accompanying Memorandum of Law, the Court hereby finds that Plaintiffs have demonstrated good cause for the expedited discovery sought herein. *See UMG Recordings, Inc. v. Does*, No. 06-0652 SBA (EMC), 2006 U.S. Dist. LEXIS 32821 (N.D. Cal. Mar. 6, 2006). Accordingly, it is hereby ORDERED that Plaintiffs may serve immediate discovery on the University of California, Santa Cruz, to obtain the identity of Defendant John Doe by serving a Rule 45 subpoena that seeks information sufficient to identify Defendant John Doe, including the name, current (and permanent) address and telephone number, e-mail address, and Media Access Control address.

IT IS FURTHER ORDERED that any information disclosed to Plaintiffs in response to the Rule 45 subpoena may be used by Plaintiffs solely for the purpose of protecting Plaintiffs' rights under the Copyright Act.

IT IS FURTHER ORDERED that, if and when the University of California, Santa Cruz, is served with the subpoena, within five (5) business days thereof it shall give written notice, which

1 can include use of e-mail, to the subscriber(s) whose identity is to be disclosed in response to the
2 subpoena. If the University of California, Santa Cruz, and/or Defendant wishes to move to quash
3 the subpoena, they shall do so before the return date of the subpoena, which shall be thirty (30)
4 business days from the date of service.

5 IT IS FURTHER ORDERED that, if and when the University of California, Santa Cruz, is
6 served with a subpoena, the University of California, Santa Cruz, shall preserve the data and
7 information sought in the subpoena pending resolution of any timely filed motion to quash.

8 IT IS FURTHER ORDERED that counsel for Plaintiffs shall provide a copy of this order to
9 the University of California, Santa Cruz, when the subpoena is served. The University of California,
10 Santa Cruz, should in turn provide a copy of this order to Defendant, again within five (5) business
11 days of service of the subpoena on the University of San Francisco.

12 This order disposes of Docket No. 3.

13
14 IT IS SO ORDERED.

15
16 Dated: September 25, 2008

17 
18 _____
19 EDWARD M. CHEN
20 United States Magistrate Judge
21
22
23
24
25
26
27
28