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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IO GROUP INC,

No. C-10-04382 DMR

Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
REQUEST FOR LEAVE TO TAKE  
EARLY DISCOVERY**

v.

DOES 1-435,

Defendants.

\_\_\_\_\_ /

Plaintiff has filed an administrative request seeking leave to take discovery prior to the Rule 26 conference. *See* Docket No. 4. Having considered Plaintiff's papers and accompanying submissions, the Court hereby **GRANTS** the administrative request on the grounds that Plaintiff has demonstrated good cause to take early discovery. *See Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). Specifically, Plaintiff has shown that limited discovery of basic identifying information is necessary to permit Plaintiff to effect service on the Doe defendants. *See Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 577-580 (N.D. Cal. 1999) (identifying safeguards to ensure that a plaintiff is not seeking early discovery to harass or intimidate defendants).

For the reasons stated by Judge Illston in her order in *Io Group, Inc. v. Does*, No. C 10-03851 SI, slip. op. at 4-5 (N.D. Cal. Sept. 23, 2010), the Court deems it unnecessary to make any

1 statement regarding compliance with the Cable Communications Policy Act, 47 U.S.C. § 551. *See*  
2 *also UMG Recordings, Inc. v. Does*, No. 06-0652 SBA (EMC), 2006 U.S. Dist. LEXIS 32821, at  
3 \*10-11 (N.D. Cal. Mar. 6, 2006). Regardless of whether the Act applies, Comcast Internet shall be  
4 required to provide notice to the subscribers, and the discovery provided shall be limited within the  
5 parameters allowed under the Act, as follows:

6 Plaintiff is granted leave to serve the proposed subpoena attached as Exhibit A to Plaintiff's  
7 administrative request upon Comcast Internet. Comcast Internet, in turn, shall serve a copy of the  
8 subpoena and a copy of this Order upon its relevant subscribers within five days of its receipt of the  
9 subpoena. The subscribers shall then have 15 days from the date of service upon them to file any  
10 objections with this Court. If that 15-day period elapses without a subscriber filing an objection or a  
11 motion to quash, Comcast Internet shall have 10 days after said lapse to produce the information to  
12 Plaintiff pursuant to the subpoena.

13  
14 IT IS SO ORDERED.

15  
16 Dated: October 15, 2010

