

1 Brett L. Gibbs, Esq. (SBN 251000)
 Steele Hansmeier PLLC.
 2 38 Miller Avenue, #263
 Mill Valley, CA 94941
 3 415-325-5900
blgibbs@wefightpiracy.com

4 *Attorney for Plaintiff*

5
 6 IN THE UNITED STATES DISTRICT COURT FOR THE
 7
 8 NORTHERN DISTRICT OF CALIFORNIA
 9
 10 OAKLAND DIVISION

11 HARD DRIVE PRODUCTIONS, INC.,)
 12)
 Plaintiff,)
 13 v.)
 14 DOES 1-58,)
 15 Defendants.)
 16)

No. C-11-02537 LB

**[PROPOSED] ORDER GRANTING
 PLAINTIFF’S APPLICATION FOR
 LEAVE TO TAKE DISCOVERY
 PRIOR TO RULE 26(f) CONFERENCE**

[RE: ECF No. 5]

17 **ORDER GRANTING PLAINTIFF’S APPLICATION FOR LEAVE TO TAKE DISCOVERY**
 18 **PRIOR TO RULE 26(f) CONFERENCE**

19 The Court has reviewed the Complaint with attached Exhibit A, Plaintiff’s *Ex Parte*
 20 Application for Leave to Take Expedited Discovery and all the papers filed in connection with the
 21 application, as well as the relevant case law. Accordingly, the Court **GRANTS** Plaintiff’s *Ex Parte*
 22 Application for Expedited discovery as follows:

23 1. **IT IS HEREBY ORDERED** that Plaintiff may immediately serve Rule 45
 24 subpoenas on the Internet Service Providers (ISPs) listed in Exhibit A to the Complaint to obtain
 25 information to identify each Doe Defendant, including the name, address, telephone numbers, email
 26 addresses, and media access control addresses. Each subpoena shall have a copy of this Order
 27 attached.
 28

1 2. **IT IS FURTHER ORDERED** that the ISPs will have 30 days from the date of
2 service upon them to serve the subscribers of the IP addresses with a copy of the subpoena and a
3 copy of this order. The ISPs may serve the subscribers using any reasonable means, including
4 written notice sent to the subscriber's last known address, transmitted either by first-class mail or via
5 overnight service.
6

7 3. **IT IS FURTHER ORDERED** that subscribers shall have 30 days from the date of
8 service upon them to file any motions in this Court contesting the subpoena (including a motion to
9 quash or modify the subpoena). If that 30-day period lapses without a subscriber contesting the
10 subpoena, the ISPs shall have 10 days to produce the information responsive to the subpoena to
11 Plaintiff.
12

13 4. **IT IS FURTHER ORDERED** that the subpoenaed entity shall preserve any
14 subpoenaed information pending the respoluting of any timely-filed motion to quash.
15

16 5. **IT IS FURTHER ORDERED** that any ISP that receives a subpoena pursuant to this
17 Order shall confer with Plaintiff and shall not assess any charge in advance of providing the
18 information requested in the subpoena. Any ISP that receives a subpoena and elects to charge for
19 the costs of production shall provide a billing summary and cost reorts that serve as a basis for such
20 billing summary and any costs claimed by such ISP.
21

22 6. **IT IS FURTHER ORDERED** that Plaintiff shall serve a copy of this Order along
23 with any subpoenas issued pursuant to this Order to the necessary entities.
24

25 7. **IT IS FURTHER ORDERED** that any information disclosed to Plaintiff in response
26 to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights
27 as set forth in its Complaint.
28

IT IS SO ORDERED.

DATED: _____

Magistrate Judge Laurel Beeler