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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 DALLAS BUYERS CLUB LLC,

5 Plaintiff,

6 v.

7 DOE-73.189.187.56,

8 Defendant.

Case No. [16-cv-01166-DMR](#)

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO EXPEDITE
DISCOVERY**

Re: Dkt. No. 5

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10 Plaintiff Dallas Buyers Club LLC filed this action on March 9, 2016, alleging copyright
11 infringement against a Doe Defendant identified only by an internet protocol (“IP”) address,
12 73.189.187.56. On March 10, 2016, Plaintiff filed an ex parte motion to expedite discovery,
13 seeking leave to conduct discovery before the Rule 26 conference. [Docket No. 5.] Specifically,
14 Plaintiff seeks an order granting Plaintiff leave to issue a subpoena to Comcast Cable for records
15 related to the identity of the subscriber and account holder assigned Defendant’s IP address,
16 arguing that this information is necessary so that it may identify Defendant.

17 In its motion, Plaintiff argues that good cause supports its request for early discovery and
18 makes a number of assertions about the IP address at issue, including the alleged infringing
19 activity associated with the address and its physical location. However, Plaintiff has not filed any
20 evidence to support these and other assertions. Civil Local Rule 7-5 provides that “[f]actual
21 contentions made in support of . . . any motion must be supported by an affidavit or declaration
22 and by appropriate references to the record.” Civ. L.R. 7-5(a). Accordingly, Plaintiff’s motion to
23 expedite discovery is denied without prejudice to Plaintiff’s re-filing its motion in compliance
24 with the local rules.

25 **IT IS SO ORDERED.**

26 Dated: March 28, 2016



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28 Donna M. Ryu
United States Magistrate Judge