

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

MJ FREEWAY LLC,
Plaintiff,
v.
JOHN DOE,
Defendant.

Case No. 18-cv-01828-YGR (JCS)

**ORDER GRANTING IN PART
RENEWED MOTION FOR LEAVE TO
CONDUCT THIRD PARTY
DISCOVERY**

Re: Dkt. No. 12

Plaintiff MJ Freeway brings a Renewed Motion for Leave to Conduct Third Party Discovery to learn the identity of Defendant John Doe, who is alleged to have accessed MJ Freeway’s computers without authorization and disseminated its confidential material. The Court rules as follows:

1. Plaintiff has established that “good cause” exists for it to serve Rule 45 subpoenas on the entities listed below (hereinafter, “Third Parties”) to seek the specific information described herein. *See Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980); *Dallas Buyers Club LLC v. Doe-69.181.52.57*, No. 16-CV-01164-JSC, 2016 WL 4259116, at *1 (N.D. Cal. Aug. 12, 2016); *Columbia Ins. Co. v. Seescandy.com*, 185 F.R.D. 573 (N.D. Cal. 1999). Plaintiff shall attach to all such subpoenas a copy of this Order.

2. Plaintiff is authorized to issue a Rule 45 subpoena to **Google Inc.** commanding it to provide Plaintiff only the following information regarding the email account jvauvl@gmail.com: the full name, physical address, phone number, and/or alternate email address(es) provided by all Persons using or assigned the foregoing email address, any contact information provided by Persons using or assigned the foregoing email address, the SMTP logs (present and historical) associated with the foregoing email account, IP connection logs (present and historical) associated

1 with the foregoing email account, any and all documents and/or records identifying the IP
2 addresses logging in to the foregoing email account, and any other information actively or
3 passively collected by **Google Inc.** about the foregoing email account (e.g. IP addresses, browser
4 and MAC information).

5 3. Plaintiff is authorized to issue a Rule 45 subpoena to **Reddit Inc.** commanding it to
6 provide only the following information regarding the accounts “techdudes420,” “deerdoe1962,”
7 and “superyonnie”: the full name, physical address, phone number, and/or alternate email
8 address(es) provided by all Persons using or assigned the foregoing accounts, any contact
9 information provided by Persons using or assigned the foregoing accounts, logs (present and
10 historical) associated with the foregoing accounts, IP connection logs (present and historical)
11 associated with the foregoing accounts, any and all documents and/or records identifying the IP
12 addresses logging in to the foregoing accounts, and any other information actively or passively
13 collected by **Reddit Inc.** about the foregoing accounts (e.g. IP addresses, browser and MAC
14 information).

15 4. Plaintiff is authorized to issue a Rule 45 subpoena to **Juno Online Services Inc.**
16 commanding it to provide Plaintiff only the following information regarding the email accounts
17 “thecontroller82@juno.com” and mjdatasales@juno.com: the full name, physical address, phone
18 number, and/or alternate email address(es) provided by all Persons using or assigned the foregoing
19 email addresses, any contact information provided by Persons using or assigned the foregoing
20 email addresses, the SMTP logs (present and historical) associated with the foregoing email
21 accounts, IP connection logs (present and historical) associated with the foregoing email accounts,
22 any and all documents and/or records identifying the IP addresses logging in to the foregoing
23 email accounts, and any other information actively or passively collected by **Juno Online**
24 **Services Inc.** about the foregoing email accounts (e.g. IP addresses, browser and MAC
25 information).

26 5. Plaintiff is authorized to issue a Rule 45 subpoena to **Atlassian Inc.** commanding it
27 to provide Plaintiff only the following information regarding the “bitbucket.org” account
28 associated with the email address thecontroller82@juno.com: the full name, physical address,

1 phone number, and/or alternate email address(es) provided by all Persons using or assigned the
2 foregoing account, any contact information provided by Persons using or assigned the foregoing
3 account, logs (present and historical) associated with the foregoing account, IP connection logs
4 (present and historical) associated with the foregoing account, any and all documents and/or
5 records identifying the IP addresses logging in to the foregoing account, and any other
6 information actively or passively collected by **Atlassian Inc.** about the foregoing account (e.g. IP
7 addresses, browser and MAC information).

8 6. Plaintiff is authorized to issue a Rule 45 subpoena to **Twitter Inc.** commanding it
9 to provide Plaintiff only the following information regarding the accounts “noonerunsthisp” and
10 “runsthisp”: the full name, physical address, phone number, and/or alternate email address(es)
11 provided by all Persons using or assigned the foregoing accounts, any contact information
12 provided by Persons using or assigned the foregoing accounts, logs (present and historical)
13 associated with the foregoing accounts, IP connection logs (present and historical) associated with
14 the foregoing accounts, any and all documents and/or records identifying the IP addresses logging
15 in to the foregoing accounts, and any other information actively or passively collected by **Twitter**
16 **Inc.** about the foregoing accounts (e.g. IP addresses, browser and MAC information).

17 7. Plaintiff is authorized to issue a Rule 45 subpoena to **Amazon.com Inc.**
18 commanding it to provide Plaintiff only the following information regarding the account
19 “arn:aws:iam::311152497758:user/theodo”: the full name, physical address, phone number,
20 and/or alternate email address(es) provided by all Persons using or assigned the foregoing account,
21 any contact information provided by Persons using or assigned the foregoing account, IP
22 connection logs (present and historical), log-in logs reflecting IP addresses, user agent information
23 or other information, full name, and information actively or passively collected by **Amazon.com**
24 **Inc.** about that Person (e.g., IP address, browser and MAC information).

25 8. Plaintiff is authorized to issue a Rule 45 subpoena to **GitHub Inc.** commanding it
26 to provide only the following information regarding the account “mjfreeway”: the full name,
27 physical address, phone number, and/or alternate email address(es) provided by all Persons using
28 or assigned the foregoing account, any contact information provided by Persons using or assigned

1 the foregoing account, logs (present and historical) associated with the foregoing account, IP
2 connection logs (present and historical) associated with the foregoing account, any and all
3 documents and/or records identifying the IP addresses logging in to the foregoing account, and
4 any other information actively or passively collected by **GitHub Inc.** about the foregoing account
5 (e.g. IP addresses, browser and MAC information).

6 9. Plaintiff is authorized to issue a Rule 45 subpoena to **Gitlab Inc.** commanding it to
7 provide only the following information regarding the account “mjffreeway”: the full name,
8 physical address, phone number, and/or alternate email address(es) provided by all Persons using
9 or assigned the foregoing account, any contact information provided by Persons using or assigned
10 the foregoing account, logs (present and historical) associated with the foregoing account, IP
11 connection logs (present and historical) associated with the foregoing account, any and
12 all documents and/or records identifying the IP addresses logging in to the foregoing account, and
13 any other information actively or passively collected by **Gitlab Inc.** about the foregoing account
14 (e.g. IP addresses, browser and MAC information).

15 10. Plaintiff is authorized to issue a Rule 45 subpoena to **Namecheap Inc.**
16 commanding it to provide only the following information regarding the domain “mjfzone.net”:
17 the full name, physical address, phone number, alternate email address(es), gender, date of birth,
18 and country of residence provided by all persons that registered or were assigned the domain
19 name, any contact information provided by the registrants of the domain, and any other
20 information actively or passively collected by **Namecheap Inc.**, about all persons who registered,
21 reserved, possessed, exercised control, used or assigned the domain name or about the above-listed
22 domain name (e.g., IP addresses, browser, and MAC information; related present and historical
23 SMTP logs; and related present and historical IP connection logs).

24 11. Plaintiff is authorized to issue a Rule 45 subpoena to **Endurance International**
25 **Group Holdings Inc.** commanding it to provide only the following information regarding the
26 domain “marihuana.com”: the full name, physical address, phone number, alternate email
27 address(es), gender, date of birth, and country of residence provided by all persons that registered
28 or were assigned the domain name, any contact information provided by the registrants of the

1 domain, and any other information actively or passively collected by **Endurance International**
2 **Group Holdings Inc.**, about all persons who registered, reserved, possessed, exercised control,
3 used or assigned the domain name or about the above-listed domain name (e.g., IP addresses,
4 browser, and MAC information; related present and historical SMTP logs; and related present and
5 historical IP connection logs).

6 12. Plaintiff is authorized to issue a Rule 45 subpoena to **Mail2World Inc.**
7 commanding it to provide only the following information regarding the email account
8 weselludata@mail2world.com: the full name, physical address, phone number, and/or alternate
9 email address(es) provided by all Persons using or assigned the foregoing email address, any
10 contact information provided by Persons using or assigned the foregoing email address, the SMTP
11 logs (present and historical) associated with the foregoing email account, IP connection logs
12 (present and historical) associated with the foregoing email account, any and all documents and/or
13 records identifying the IP addresses logging in to the foregoing email account, and any other
14 information actively or passively collected by **Mail2World Inc.** about the foregoing email
15 account (e.g. IP addresses, browser and MAC information).

16 13. Plaintiff may also serve a Rule 45 Subpoena on any internet service provider
17 (“ISP”) associated with an IP address identified by the Third Parties in response to Plaintiff’s Rule
18 45 subpoenas commanding the ISP to provide Plaintiff only with the true name and address of the
19 individual to whom the ISP assigned that IP address. A copy of this Order shall be attached to any
20 such subpoena.

21 14. **IT IS FURTHER ORDERED** that each Third Party or ISP will have 30 days from
22 the date of service upon it to serve the individual (“Individual”) whose identity information is
23 sought with a copy of the subpoena and a copy of this Order. The ISPs and Third parties may
24 serve the Individual using any reasonable means, including written notice sent to the Individual’s
25 last known address, transmitted either by first-class mail or via overnight service.

26 15. **IT IS FURTHER ORDERED** that each Individual, Third Party, or ISP shall have
27 30 days from the date of service upon him, her or it to file any motions in this Court contesting the
28 subpoena (including a motion to quash or modify the subpoena). If the 30-day period after service

1 on the Individual lapses without the Individual, the Third Party or the ISP contesting the subpoena,
2 the Third Party or ISP shall have 10 days to produce to Plaintiff the information responsive to the
3 subpoena with respect to that Individual.

4 16. **IT IS FURTHER ORDERED** that any Third Party or ISP that receives a
5 subpoena shall preserve all subpoenaed information pending the final resolution of a timely filed
6 motion to quash the subpoena with respect to such information.

7 17. **IT IS FURTHER ORDERED** that any information disclosed to Plaintiff in
8 response to a subpoena may be used by Plaintiff solely for the purpose of protecting the rights that
9 are alleged to have been violated in Plaintiff's Complaint.

10 18. Should Plaintiff obtain specific information from the Third Parties or ISPs in
11 response to the subpoenas authorized by this Order that gives rise to good cause to seek further
12 targeted discovery from those or other entities in order to learn the identity of the Doe defendant,
13 Plaintiff may submit to the undersigned a request describing the nature of the proposed discovery,
14 the reason there is good cause for such discovery, a supporting affidavit, and a copy of the
15 proposed discovery. Plaintiff may incorporate by reference any arguments set forth in the instant
16 Motion that are relevant to such request and need not repeat those arguments in its future requests.

17 **IT IS SO ORDERED.**

18
19 Dated: April 9, 2018

20 
21 _____
22 JOSEPH C. SPERO
23 Chief Magistrate Judge
24
25
26
27
28