

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02644-CMA-MJW

WEST COAST PRODUCTIONS, INC.,

Plaintiff(s),

v.

DOES 1-37,

Defendant(s).

ORDER

Entered by Magistrate Judge Michael J. Watanabe

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(a) Conference (Docket No. 5) is GRANTED, finding good cause shown.

IT IS FURTHER ORDERED that Plaintiff may serve subpoenas on the third party Internet Service Providers (ISPs) identified in Exhibit A to Plaintiff's complaint to obtain the identity of each Doe defendant by serving a subpoena pursuant to Fed. R. Civ. P. Rule 45 that seeks documents that identify each Doe defendant, including the name, current (and permanent) addresses, e-mail addresses, and Media Access Control addresses for each defendant. The disclosure of this information is consistent with the ISPs' obligations under the Cable Service Privacy Act, 47 U.S.C. § 551(c)(2)(B), which provides:

(2) A cable operator may disclose [personally identifiable] information if the disclosure is --

...

(B) subject to subsection (h) of this section, made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.

47 U.S.C. § 551(c)(2)(B).

IT IS FURTHER ORDERED that each ISP shall have seven (7) days after the service of the subpoenas to notify the subscriber(s) that their identity (y/ies) has been subpoenaed by Plaintiff. Each subscriber whose identity has been subpoenaed shall have twenty-one (21) calendar days from the date of such notice to file a responsive pleading or motion to quash.

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

Done this 14th day of February, 2013.



Michael J. Watanabe
United States Magistrate Judge