

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CORNERED, INC.,

Plaintiff,

v.

DOES 1-2177,

Defendants.

Civil Action No. 10-01476 (CKK)

MEMORANDUM OPINION

(October 22, 2010)

Presently before the Court is Plaintiff's [4] Motion for Leave to Take Discovery Prior to Rule 26(f) Conference. Plaintiff, a creator and distributor of motion pictures, has brought suit against a series of John Doe Defendants for copyright infringement. *See* Compl., Docket No. [1], ¶¶ 6-15; Pl.'s Mem. of P. & A. in Supp. of Mot. for Leave to Take Disc. Prior to Rule 26(f) Conference ("Pl.'s Mem."), Docket No. [4], at 1. Plaintiff seeks leave to serve immediate, limited discovery on various third-party internet service providers ("ISPs") in the form of a Rule 45 subpoena. *See* Pl.'s Mem. at 1-2; *see also* Compl., Ex. A (identifying ISPs at issue). Plaintiff seeks to determine the true identities of the John Doe Defendants, including each individual's true name, current and permanent address, telephone number, e-mail address, and Media Access Control address. *See* Pl.'s Mem. at 16. If an ISP cannot itself identify one or more of the John Doe Defendants, but does identify an intermediary ISP as the entity providing online services and/or network access to a John Doe Defendant, Plaintiff intends to serve a subpoena on that intermediary ISP in the same manner. *Id.* at 3.

Each John Doe Defendant is alleged to have used an online media distribution system to

reproduce and distribute Plaintiff's copyrighted work. Compl. ¶ 12. Although Plaintiff does not know Defendants' true names, it has identified each Defendant by a unique internet protocol ("IP") address assigned to that Defendant on the date and time of the allegedly infringing activity. *See* Decl. of Benjamin Perino in Supp. of Pl.'s Mot. for Leave to Take Disc. Prior to Rule 26(f) Conference, Docket No. [4-1], ¶ 10. Through the use of a private provider of online anti-piracy services, Plaintiff has traced the IP addresses for the Joe Doe Defendants and determined their ISPs, as identified in Exhibit A of Plaintiff's Complaint. *See* Decl. of Patrick Achache in Supp. of Pl.'s Mot. for Leave to Take Disc. Prior to Rule 26(f) Conference, Docket No. [4-2], ¶ 13.

Courts have broad discretion in discovery matters and, pursuant to that discretion, may allow parties to conduct expedited discovery where "good cause" is shown. *Warner Bros. Records, Inc. v. Does 1-6*, 527 F. Supp. 2d 1, 2 (D.D.C. 2007). Because Defendants must be identified before this suit can progress further, the Court finds that good cause exists for Plaintiff's requested discovery. *See Arista Records LLC v. Does 1-19*, 551 F. Supp. 2d 1, 6 (D.D.C. 2008). The Court shall therefore GRANT Plaintiff's request for immediate discovery, with certain limitations outlined herein. Plaintiff shall be allowed to serve immediate discovery on the ISPs identified in Exhibit A of the Complaint in order to obtain the identity of each John Doe Defendant by serving a Rule 45 subpoena that seeks information sufficient to identify each John Doe Defendant, including the individual's name, current and permanent address, telephone number, e-mail address, and Media Access Control address. Any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in the Complaint. Subject to the same limitations, Plaintiff may serve a subpoena to any ISP identified in response to a subpoena as providing

