

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GUAVA LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

Civil Action No. 5:12-CV-398 (HL)

ORDER

This case is before the Court on Plaintiff's Ex Parte Application for Leave to Take Expedited Discovery (Doc. 3).

Plaintiff seeks the identity of the John Doe and his co-conspirators who have hacked into Plaintiff's protected computer systems. Plaintiff has moved the Court for permission to serve subpoenas on Mediacom Communications Corp., RCN Corporation, Metrocast Communications, WideOpenWest, Cox Communications, and Charter Communications requesting that they all identify the subscriber or customer to whom a certain IP address was assigned at the time of the alleged hacking activity.

Plaintiff's Ex Parte Application is granted. Plaintiff may serve subpoenas on the listed internet service providers requesting information sufficient to identify the subscriber or customer associated with the IP addresses listed in Exhibit A to the Application. This discovery is conditioned as follows: (a) The internet service

providers have seven calendar days after service of the subpoenas to notify subscribers that their identity is sought by Plaintiff; (b) each subscriber whose identity is sought has 21 calendar days from the date of the internet service provider's notice to file any papers contesting the discovery requests; and (c) Plaintiff is required to pay the internet service providers all reasonable costs of: (i) compiling the requested information; (ii) providing pre-disclosure notifications to subscribers; and (iii) all other reasonable costs and fees incurred in responding to the subpoena. The internet service providers may provide notice using any reasonable means, including but not limited to written notice sent to the subscriber's last known address, transmitted either by first class mail or via overnight service.

If any subpoenaed internet service provider objects to providing the requested information, it should file a motion to quash as provided by the Federal Rules of Civil Procedure. The internet service providers are directed to preserve any subpoenaed information pending the resolution of any timely-filed motion to quash.

A copy of this Order should be served along with any subpoenas issued to the internet service providers.

Any information disclosed to Plaintiff in response to the subpoenas may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights under the claims enumerated in the complaint.

No other discovery may be conducted without further order of the Court. Plaintiff shall file an amended complaint no later than December 19, 2012 which names the John Doe defendant identified through the discovery process. If Plaintiff cannot file an amended complaint by December 19 for some reason, Plaintiff is directed to file a motion for an extension of time containing a detailed explanation of why the time limit cannot be met.

SO ORDERED, this the 2nd day of November, 2012.

/s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh