



NE&TO
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June 12, 2013

Personal and Confidential

Via UPS & USPS Delivery

[REDACTED]

Re: *Killer Joe Nevada, LLC v. Does 1-57*
United States District Court for the Northern District of Georgia
Docket No.: 1:13-cv-01527
Order Entered: May 8, 2013
Comcast File #: 478362

Dear [REDACTED]

Killer Joe Nevada, LLC has filed a federal lawsuit in the United States District Court for the Northern District of Georgia. You have been identified in our records via your assigned Internet Protocol ("IP") address, which is unique to each internet user, in this lawsuit for allegedly Killer Joe Nevada, LLC's copyrights on the Internet by uploading or downloading content without permission. This was allegedly done using a device assigned the IP address 24.126.148.38 on 01/12/2013 07:02:55 AM GMT. The court has ordered Comcast to supply your name, address and other information Killer Joe Nevada, LLC in the attached Order and accompanying Subpoena. The case has been assigned Docket Number 1:13-cv-01527 by the court. If you have any questions about the lawsuit, you should consult an attorney immediately. **Comcast cannot and will not provide any legal advice.**

Comcast will provide your name, address, and other information as directed in the Order and Subpoena unless you or your attorney file a protective motion to quash or vacate the Subpoena in the court where the subpoena was issued **no later than July 15, 2013**. If you make this filing, you must notify Comcast in writing with a copy and proof of filing by sending it via fax to (866) 947-5587 **no later than July 15, 2013**. Please note that Comcast cannot accept or file any legal action on your behalf. If you do not file a motion to quash or vacate the Subpoena by this date, or if you fail to notify Comcast of your filing by this date, Comcast will provide your name, address and other information as directed in the Order to the Plaintiff.

If you have legal questions about this matter, please contact an attorney.

Sincerely yours,

Comcast Legal Response Center

Attachments: Copy of Subpoena and accompanying Court Order regarding civil action

Attachment #2

No	IP Address	P2PClient	HitDateUTC (MM/DD/YY)	ISP	city	District	Province
2	173.15.210.225	SoMud 1.3.6.0	01/16/2013 03:13:00 AM	Comcast Bus.	Acworth	Georgia Northern Cobb	
1	71.59.24.241	BitTorrent 7.7.3	01/12/2013 06:51:20 PM	Comcast Cable	Alpharetta	Georgia Northern Fulton	
3	98.251.31.41	µTorrent 3.2.2	01/16/2013 02:11:41 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
4	24.126.249.105	µTorrent 3.0.0	01/16/2013 01:59:43 AM	Comcast Cable	Canton	Georgia Northern Cherokee	
6	24.126.157.38	Vuze 4.8.0.0	01/15/2013 06:22:06 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
11	76.17.102.161	µTorrent 3.2.3	01/14/2013 10:29:49 PM	Comcast Cable	Conyers	Georgia Northern Rockdale	
13	98.252.204.227	BitComet 1.32	01/14/2013 02:14:51 PM	Comcast Cable	Riverdale	Georgia Northern Clayton	
14	67.191.179.70	µTorrent 3.2.3	01/14/2013 09:39:31 AM	Comcast Cable	Marietta	Georgia Northern Cobb	
15	98.251.114.196	Vuze 4.8.1.2	01/14/2013 03:19:02 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
17	24.126.245.62	Vuze 4.8.0.0	01/14/2013 02:04:49 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
20	24.98.166.128	Vuze 4.8.0.0	01/12/2013 11:45:04 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
21	67.166.225.147	BitTorrent 7.3.5	01/16/2013 08:01:29 PM	Comcast Cable	Riverdale	Georgia Northern Clayton	
22	67.191.207.140	µTorrent 3.2.3	01/12/2013 05:09:14 PM	Comcast Cable	Morrow	Georgia Northern Clayton	
24	76.122.69.49	Vuze 4.5.0.4	01/12/2013 07:05:48 AM	Comcast Cable	Stone Moun	Georgia Northern DeKalb	
26	24.126.154.93	libtorrent (Raste	01/12/2013 05:13:38 AM	Comcast Cable	Douglasville	Georgia Northern Douglas	
27	98.252.162.186	BitTorrent 7.7.3	01/11/2013 10:19:27 PM	Comcast Cable	Calhoun	Georgia Northern Gordon	
28	76.105.82.212	BitTorrent 7.2.1	01/11/2013 08:49:47 PM	Comcast Cable	Tucker	Georgia Northern DeKalb	
39	24.99.37.233	Vuze 4.8.1.2	01/11/2013 08:26:52 PM	Comcast Cable	Morrow	Georgia Northern Clayton	
30	71.204.12.126	BitComet 1.34	01/11/2013 02:15:29 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
31	71.199.169.142	Vuze 4.5.0.4	01/11/2013 02:00:40 PM	Comcast Cable	Loganville	Georgia Northern Gwinnett	
33	24.30.32.31	µTorrent 3.1.3	01/11/2013 03:38:17 AM	Comcast Cable	Loganville	Georgia Northern Gwinnett	
34	67.191.166.140	µTorrent 3.2.3	01/11/2013 02:28:30 AM	Comcast Cable	Loganville	Georgia Northern Gwinnett	
35	71.59.55.86	µTorrent 3.2.3	01/11/2013 02:29:50 AM	Comcast Cable	Calhoun	Georgia Northern Gordon	
36	24.98.65.164	BitTorrent 7.7.0	01/11/2013 02:02:40 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
40	66.56.15.115	Vuze 4.5.0.4	01/11/2013 12:26:41 AM	Comcast Cable	Decatur	Georgia Northern DeKalb	
42	98.251.41.99	Vuze 4.7.0.2	01/10/2013 10:56:53 PM	Comcast Cable	Stone Moun	Georgia Northern DeKalb	
43	98.242.64.207	µTorrent Mac 1.	01/10/2013 09:32:40 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
44	76.97.209.40	µTorrent 3.2.3	01/10/2013 08:11:51 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
45	50.150.15.163	BitTorrent 7.1.0	01/10/2013 07:59:35 AM	Comcast Cable	Smyrna	Georgia Northern Cobb	
46	24.98.74.222	µTorrent 3.2.2	01/10/2013 07:16:27 AM	Comcast Cable	Dacula	Georgia Northern Gwinnett	
47	98.251.25.191	Vuze 4.8.0.0	01/10/2013 05:24:45 AM	Comcast Cable	Griffin	Georgia Northern Spalding	
48	24.98.102.217	µTorrent 3.2.0	01/10/2013 04:12:36 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
50	76.20.253.183	BitTorrent 7.7.3	01/10/2013 01:49:52 AM	Comcast Cable	Decatur	Georgia Northern DeKalb	
51	24.98.127.18	µTorrent 3.2.0	01/10/2013 01:29:44 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
53	76.122.87.67	Vuze 4.5.0.4	01/09/2013 09:12:53 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
54	24.126.241.100	Vuze 4.8.0.0	01/09/2013 06:46:31 PM	Comcast Cable	Conyers	Georgia Northern Rockdale	
55	98.251.33.228	µTorrent 3.2.0	01/09/2013 04:53:35 PM	Comcast Cable	Atlanta	Georgia Northern DeKalb	
57	98.251.88.191	BitTorrent 7.6.0	01/09/2013 07:58:53 AM	Comcast Cable	Atlanta	Georgia Northern DeKalb	

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

KILLER JOE NEVADA, LLC

Plaintiff

v.

DOES 1-57

Defendant

Civil Action No. 1:13-CV-01527-JEC

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Custodian of Records, Comcast Cable Communications Management, LLC

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: described in Exhibit A attached hereto

Place: Via mail to 2849 Paces Ferry Road, Suite 640, Atlanta, GA 30339 OR email at mgamble@kanclarklaw.com
Date and Time: 09/30/2013 12:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 05/20/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plaintiff Killer Joe Nevada, LLC, who issues or requests this subpoena, are:

Alan Kan, Kan & Clark LLP, 2849 Paces Ferry Rd Suite 640, Atlanta, GA 30339, akan@kanclarklaw.com, 678-298-7911

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party, or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ATTACHMENT TO SUBPOENA TO PRODUCE INFORMATION

Provide all records and other information relating to each of the following IP addresses attached hereto including the following:

In accordance with the conditions in the attached order, provide the name, current (and permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of all individuals whose IP addresses are listed in the attached spreadsheet (paper and CD format).

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KILLER JOE NEVADA, LLC

Plaintiff,

v.

DOES 1-57,

Defendants.

)
)
) 1:13-cv-1527-JEC
) Case No.: TBD
)
) **JURY TRIAL DEMANDED**
)
)
)

~~REGULATED~~ ORDER

Plaintiff provides this [Proposed] Order to define the scope and parameters of the requested expedited discovery.

WHEREFORE:

IT IS ORDERED that Plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference is granted;

IT IS FURTHER ORDERED that, subject to the protective order set out herein, Plaintiff Killer Joe Nevada, LLC ("Killer Joe Nevada") may immediately serve a Rule 45 subpoena on the ISPs listed in Exhibit A to the Complaint to obtain information to identify Does 1-57, specifically his or her name, address, MAC address, phone number, and email address. The disclosure of this information is consistent with the ISPOs' 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 by the person to whom the order is directed.

The subpoena shall have a copy of this order attached;

IT IS FURTHER ORDERED that the ISP will have 30 days from the date of service of the rule 45 subpoena upon them to serve Does 1-57 with a copy of the subpoena and a copy of this order.

The ISPs may serve Does using any reasonable means, including written notice sent to his or her last known address, transmitted either by first-class mail or via overnight service;

IT IS FURTHER ORDERED that Does 1-57 shall have 30 days from the date of service of the Rule 45 subpoena and this Order upon her or him to file any motions with this Court contesting the subpoena (including a motion to quash or modify the subpoena), as well as any request to litigate the subpoena anonymously. Should any John Doe file a motion to quash, motion for protective order, motion to dismiss, motion to sever, or similarly styled motion seeking similar relief, that specific

John Doe's information will be withheld from the Plaintiff until after the Internet Service Provider to Plaintiff. The ISPs may not turn over the Doe defendants' identifying information to Killer Joe Nevada before the expiration of this 30-day period. Additionally, if a defendant or ISP files a motion to quash the subpoena, the ISPs may not turn over the moving Does' information to Killer Joe Nevada until the issues have been addressed and the Court issues an Order instructing the ISPs to resume in turning over the requested discovery;

IT IS FURTHER ORDERED that the subpoenaed entity shall preserve any subpoenaed information pending the resolution of any timely-filed motion to quash or other similarly styled motion;

IT IS FURTHER ORDERED that if that 30-day period lapses without a Doe defendant or ISP contesting the subpoena, the ISPs shall have 10 days to produce the information responsive to the subpoena to Plaintiff. A Doe defendant who moves to quash or modify the subpoena, or to proceed anonymously, shall at the same time as her or his filing also notify her or his ISP so that the ISP is on notice not to release that Doe defendant's contact information to Plaintiff until the Court rules on any such motions.

IT IS FURTHER ORDERED that, to maximize judicial efficiency, the Court will delay ruling on all Doe motions to quash, motions for protective order, motions to dismiss, motions to sever, or similarly styled motions seeking similar relief filed until all such motions have been filed. All such motions should be filed by deadline set, ~~2013~~ out in order.

IT IS FURTHER ORDERED that counsel for Plaintiff will file a single opposition to all motions to quash, motions for protective order, motions to dismiss, motions to sever, or similarly styled motions seeking similar relief filed. Plaintiff's opposition is due _____, ~~2013~~ 30 days after the deadline for above-described motions by John Does for the last ISP served.

IT IS FURTHER ORDERED that any John Doe who has filed a motion to quash, motion for protective order, motion to dismiss, motion to sever, or similarly styled motion seeking similar relief, if they so choose, can file a ~~final~~ reply by _____, 2013.

IT IS FURTHER ORDERED that an ISP that receives a subpoena pursuant to this order shall confer with Killer Joe Nevada and shall not assess any charge in advance of providing the information requested in the subpoena. An ISP that receives a subpoena and elects to charge for the costs of production shall provide a billing summary and cost report to Plaintiff.

IT IS FURTHER ORDERED that Killer Joe Nevada shall serve a copy

of this Opinion and Order along with any subpoenas issued pursuant to this order to the listed ISPs. IT IS FURTHER ORDERED that any information ultimately disclosed to Killer Joe Nevada response to Rule 45 subpoena may be used by Killer Joe Nevada solely for the purpose of protecting, investigating and resolve Killer Joe Nevada's rights as set forth in its Complaint.

/s/ Julie E. Carnes

Honorable District Court Judge
Northern District of Georgia

Dated MAY 8, 2013