

# EXHIBIT A

# UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

FIRST TIME VIDEOS, LLC,  
*Plaintiff*  
 v.  
DOES 1-76,  
*Defendant*

)  
)  
)  
)  
)  
)

Civil Action No. 11-cv-3631

(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: Comcast Cable Holdings, LLC, attn: Subpoena Compliance/Legal, c/o CT Corporation System, 208 LaSalle St, Chicago, IL 60604

**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: 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 persons whose IP addresses are listed in the attached spreadsheet. We will be pleased to provide data to you in the most efficient and cost effective format if you let us know what your preferred format is.

Place: Steele Hensmeler, PLLC 161 N Clark St. Ste 4700 Chicago, IL 60601	Date and Time: 08/16/2011 10:00 am
--	---------------------------------------

**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(e), 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: 08/16/2011

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

/s/ John Steele  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_

First Time Videos, LLC, who issues or requests this subpoena, are:

John Steele, Steele Hensmeler PLLC, 161 N Clark St. Ste. 4700, Chicago, IL 60601, jsteele@wafightpiracy.com; 312-880-9160

## 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 motion to the commanding party, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These rules 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 conducts 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 unperfected expert's opinion or information that does not describe specific communications 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 access 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.

**(c) 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).

### SUBPOENA ATTACHMENT

The times listed below are in Coordinated Universal Time (UTC)

IP Address	Date/Time (UTC)
98.206.138.159	2011-04-29 06:44:48 AM
98.212.199.105	2011-05-10 09:36:55 PM
98.213.127.57	2011-04-26 06:01:15 PM
98.213.20.149	2011-04-28 09:08:01 PM
98.214.154.36	2011-05-05 04:05:01 PM
98.214.43.47	2011-05-23 02:59:39 AM
98.215.109.64	2011-04-27 08:58:03 PM
98.215.224.86	2011-05-23 02:25:56 PM
98.215.92.245	2011-04-28 05:34:55 PM
98.226.42.200	2011-05-08 07:09:03 AM
98.227.39.74	2011-04-29 07:06:22 AM
98.228.143.193	2011-04-29 02:09:14 AM
98.228.32.177	2011-05-04 10:10:36 PM

.1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

---

FIRST TIME VIDEOS, LLC,

CASE NO. 11-cv-3831

Plaintiff,

Judge: Hon. Elaine E. Bucklo

v.

Magistrate Judge: Hon. Michael T. Mason

DOES 1 - 76,

ORDER

Defendants.

---

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO TAKE DISCOVERY  
PRIOR TO THE RULE 26(f) CONFERENCE**

The Court has reviewed the Complaint with attached Exhibits, Plaintiff's *Ex Parte* Motion for Leave to Take Discovery Prior to the Rule 26(f) Conference and all the papers filed in connection with the motion, and relevant case law. Accordingly, it is hereby

**ORDERED** that Plaintiff's *Ex Parte* Motion for Leave to Take Discovery Prior to the Rule 26(f) Conference is **GRANTED**; it is further

**ORDERED** that Plaintiff may immediately serve Rule 45 subpoenas, which are limited to the following categories of entities and information:

From Internet Service Providers (ISPs) identified in the Exhibit A attached to the Complaint and any other entity identified as a provider of Internet services to one of the Doe Defendants in response to a subpoena or as a result of ongoing BitTorrent activity monitoring; information sufficient to identify each Defendant, including name, current

(and permanent) address, telephone number, e-mail address, and Media Access Control address; it is further

ORDERED any information disclosed to the Plaintiff in response to a Rule 45 subpoena may be used by the Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its Complaint; it is further

ORDERED that Plaintiff and any entity which receives a subpoena shall confer, if necessary, with respect to the issue of payment for the information requested in the subpoena or for resolution of IP addresses which are not controlled by such entity, duplicate IP addresses that resolve to the same individual, other IP addresses that do not provide the name and other information requested of a unique individual, or for the entity's internal costs to notify its customers; it is further

ORDERED that any entity which receives a subpoena and elects to charge for the costs of production shall provide a billing summary and any cost reports that serve as a basis for such billing summary and any costs claimed by such entity; it is further

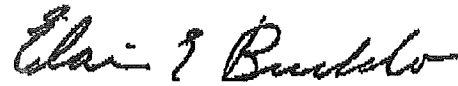
ORDERED that Plaintiff shall serve a copy of this Order along with any subpoenas issued pursuant to this Order; it is further

ORDERED that if any entity subpoenaed pursuant to this Order wishes to move to quash the subpoena, it must do so before the return date of the subpoena, which shall be 30 days from the date of service; it is further

ORDERED that the subpoenaed entity shall preserve any subpoenaed information pending the resolution of any timely-filed motion to quash;

Finally, it is ORDERED that Plaintiff may not file an amended complaint until further order of this Court.

DATED: 6/16/2011



---

United States District Judge

## **EXHIBIT B**



<b>IP Address</b>	<b>ISP</b>	<b>Date/Time (UTC)</b>
128.135.207.146	University of Chicago	2011-05-25 02:11:23 PM
131.193.185.27	University of Illinois at Chicago	2011-06-03 03:13:33 AM
173.23.107.215	Mediacom Communications	2011-05-02 06:21:10 PM
204.45.29.178	FDCservers.net	2011-05-08 10:06:08 AM
207.181.204.151	RCN Corporation	2011-04-28 04:33:52 PM
208.53.158.129	FDCservers.net	2011-05-23 11:16:24 AM
216.38.8.162	Gigenet	2011-04-30 07:47:15 PM
216.80.16.169	RCN Corporation	2011-05-28 09:09:34 PM
24.1.56.149	Comcast Cable Communications	2011-05-16 07:12:44 AM
24.1.75.202	Comcast Cable Communications	2011-04-26 01:41:13 PM
24.12.108.30	Comcast Cable Communications	2011-05-24 07:46:16 PM
24.12.74.255	Comcast Cable Communications	2011-05-03 12:01:20 AM
24.13.115.119	Comcast Cable Communications	2011-05-07 09:58:46 PM
24.13.133.3	Comcast Cable Communications	2011-05-04 02:04:39 PM
24.14.109.191	Comcast Cable Communications	2011-05-12 01:20:43 AM
24.14.17.213	Comcast Cable Communications	2011-05-09 10:38:00 PM
24.148.14.52	RCN Corporation	2011-04-27 09:25:03 PM
24.148.33.213	RCN Corporation	2011-04-25 10:53:41 PM
24.15.196.253	Comcast Cable Communications	2011-05-07 08:25:52 PM
24.15.217.102	Comcast Cable Communications	2011-05-17 05:49:27 AM
24.216.174.151	Charter Communications	2011-05-11 03:42:06 AM
66.114.190.96	T6 Broadband	2011-04-29 06:40:01 PM
67.162.110.136	Comcast Cable Communications	2011-06-03 12:07:28 AM
67.162.32.204	Comcast Cable Communications	2011-04-26 03:00:39 PM
67.162.61.47	Comcast Cable Communications	2011-04-26 06:38:24 AM
67.162.76.40	Comcast Cable Communications	2011-04-26 03:30:11 PM
67.162.83.21	Comcast Cable Communications	2011-05-01 10:55:12 AM
67.165.133.94	Comcast Cable Communications	2011-05-21 01:31:03 AM
67.165.187.134	Comcast Cable Communications	2011-05-19 02:05:29 PM
67.167.103.238	Comcast Cable Communications	2011-05-18 03:12:14 AM
67.176.138.201	Comcast Cable Communications	2011-05-11 09:00:45 AM
67.176.239.66	Comcast Cable Communications	2011-05-08 05:50:22 PM
67.184.136.151	Comcast Cable Communications	2011-05-02 05:28:09 PM
67.184.193.186	Comcast Cable Communications	2011-05-05 02:18:38 PM
67.184.83.102	Comcast Cable Communications	2011-05-03 11:16:40 AM
67.43.118.18	Ezeeweb.com	2011-05-23 09:30:07 PM
68.179.176.98	WideOpenWest Finance	2011-05-10 04:29:16 PM
68.51.117.67	Comcast Cable Communications	2011-05-28 03:14:53 PM
68.64.192.35	Towerstream	2011-05-07 08:25:22 PM
69.210.246.247	AT&T Internet Services	2011-05-10 08:40:25 PM
69.243.148.157	Comcast Cable Communications	2011-05-08 01:43:23 AM
71.23.188.16	Clearwire US LLC	2011-05-22 12:51:27 AM
71.239.21.116	Comcast Cable Communications	2011-05-08 04:46:51 PM
71.239.83.151	Comcast Cable Communications	2011-05-01 12:36:15 PM
74.46.55.157	Frontier Communications	2011-05-22 04:17:19 PM

75.132.198.62	Charter Communications	2011-04-26 01:51:07 PM
75.21.102.90	AT&T Internet Services	2011-05-24 07:03:46 PM
75.26.226.248	AT&T Internet Services	2011-04-30 07:47:56 AM
76.16.251.83	Comcast Cable Communications	2011-05-07 09:13:25 PM
76.16.72.73	Comcast Cable Communications	2011-05-03 10:42:40 AM
76.209.56.97	AT&T Internet Services	2011-05-25 09:29:33 PM
76.209.60.90	AT&T Internet Services	2011-05-19 02:20:58 PM
76.239.25.26	AT&T Internet Services	2011-05-24 03:57:40 PM
76.29.209.149	Comcast Cable Communications	2011-04-29 02:51:55 PM
96.35.9.150	Charter Communications	2011-05-23 10:10:38 PM
98.206.138.159	Comcast Cable Communications	2011-04-29 06:44:48 AM
98.212.199.105	Comcast Cable Communications	2011-05-10 09:36:55 PM
98.213.127.57	Comcast Cable Communications	2011-04-26 06:01:15 PM
98.213.20.149	Comcast Cable Communications	2011-04-28 09:08:01 PM
98.214.154.36	Comcast Cable Communications	2011-05-05 04:05:01 PM
98.214.43.47	Comcast Cable Communications	2011-05-23 02:59:39 AM
98.215.109.64	Comcast Cable Communications	2011-04-27 08:58:03 PM
98.215.224.86	Comcast Cable Communications	2011-05-23 02:25:56 PM
98.215.92.245	Comcast Cable Communications	2011-04-28 05:34:55 PM
98.226.42.200	Comcast Cable Communications	2011-05-08 07:09:03 AM
98.227.39.74	Comcast Cable Communications	2011-04-29 07:06:22 AM
98.228.143.193	Comcast Cable Communications	2011-04-30 02:09:14 AM
98.228.82.177	Comcast Cable Communications	2011-05-04 10:10:36 PM
99.120.62.218	AT&T Internet Services	2011-05-19 02:52:32 PM
99.148.145.84	AT&T Internet Services	2011-06-03 12:05:58 AM
99.148.147.162	AT&T Internet Services	2011-05-13 12:13:01 PM
99.160.190.142	AT&T Internet Services	2011-05-10 12:19:12 PM
99.189.209.35	AT&T Internet Services	2011-05-25 02:11:17 PM
99.190.230.187	AT&T Internet Services	2011-05-16 08:32:49 AM
99.55.92.55	AT&T Internet Services	2011-06-06 07:45:24 AM
99.91.82.248	AT&T Internet Services	2011-06-05 08:57:03 PM