

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. 2:14-cv-14315-VAR-RSW
	)	
v.	)	
	)	
JOHN DOE subscriber assigned IP address	)	
76.112.222.172,	)	
	)	
Defendant.	)	
_____	)	

**AMENDED ORDER ON MOTION FOR LEAVE TO SERVE  
THIRD PARTY SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

**THIS CAUSE** came before the Court upon Plaintiff’s Motion for Leave to Serve A Third Party Subpoena Prior to a Rule 26(f) Conference (the “Motion”), and the Court being duly advised in the premises does hereby:

**FIND, ORDER AND ADJUDGE:**

1. Plaintiff established that “good cause” exists for it to serve a third party subpoena on Comcast Cable (hereinafter the “ISP”). *See Malibu Media, LLC v. Doe*, 2014 WL 3846036 (E.D. Mich. 2014); *Vision Films, Inc. v. Does 1–16*, 2013 WL 1385206 (E.D. Tenn. 2013); *Malibu Media, LLC v. John Does 1–9*, 2013 WL 142083 (E.D. Mich. 2013)

2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to provide Plaintiff with the true name, address, telephone number, and e-mail address of the Defendant to whom the ISP assigned an IP address as set forth on Exhibit A to the Complaint. Plaintiff shall attach to any such subpoena a copy of this Order.

3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any service provider that is identified in response to a subpoena as a provider of Internet services to one of the Defendants.

4. If the ISP that qualifies as a “cable operator,” as defined by 47 U.S.C. § 522(5), which states:

the term “cable operator” means any person or group of persons

- (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or
- (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

A cable operator may disclose such [personal identifying] information if the disclosure is . . . 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.

by sending a copy of this Order to the Defendant.

5. Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on the ISP for the purpose of protecting and enforcing Plaintiff’s rights as set forth in its Complaint.

**DONE AND ORDERED** this 5<sup>th</sup> day of December, 2014.

By: S/Victoria A. Roberts  
**UNITED STATES DISTRICT JUDGE**