

before the Court and this order should not be construed as a ruling on the merits of any potential motion to quash that may be filed pursuant to the schedule set forth below. However, because the Court finds that plaintiff has met the reasonableness and good cause standard for early discovery, even under the heightened scrutiny required of an *ex parte* submission, plaintiff's motion for leave to serve a third-party subpoena prior to a Rule 26(f) Conference is GRANTED.

The Court ORDERS the following:

- (1) Plaintiff may serve a subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure on RCN to obtain the name and address of the subscriber identified by IP address 207.237.171.125. Plaintiff's counsel is directed to attach a copy of this order to the subpoena.
- (2) Within seven (7) days of service of a subpoena, RCN shall reasonably attempt to identify the subscriber and provide him or her with a copy of the subpoena and this order. If RCN is unable to determine, to a reasonable degree of technical certainty, the identity of the subscriber identified by IP address 207.237.171.125, it shall so notify plaintiff's counsel.
- (3) RCN shall have twenty-one (21) days from the service date of the subpoena to move to quash or otherwise object to the subpoena. The identified subscriber shall have fourteen (14) days from receipt of the subpoena from RCN to move to quash or otherwise object to the subpoena.
- (4) Absent any motion to quash or other objection, RCN shall produce the information sought to the plaintiff within twenty-one (21) days after notifying the subscriber pursuant to paragraph (2) above.
- (5) Plaintiff may only use the information disclosed pursuant to the subpoena for the purpose of protecting and enforcing plaintiff's rights as set forth in the complaint.

The Court ORDERS that the information not be disclosed to any person other than plaintiff and plaintiff's counsel without further leave of the Court.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 7.

SO ORDERED.

Dated: November 17, 2022
New York, New York



GREGORY H. WOODS
United States District Judge