1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 BUNGE LIMITED, et al., 9 Plaintiffs, Case No. C13-0621RSL 10 v. ORDER GRANTING PLAINTIFFS 11 BUNGECHICAGO.COM, LEAVE TO TAKE EXPEDITED DISCOVERY 12 Defendant. 13 14 15 This matter comes before the Court on "Plaintiffs' Motion for Leave to 16 Take Expedited Discovery" in the above-captioned matter. Dkt. # 15. Because this 17 action is proceeding in rem and the identities of the individuals behind the allegedly 18 infringing website have been difficult to discern, plaintiffs cannot conduct a traditional 19 Rule 26(f) conference and require discovery to locate the persons responsible for the 20 defendant domain name. 21 Plaintiffs' motion for leave to take expedited discovery is GRANTED in 22 part. Plaintiff may initiate discovery, including the issuance of subpoenas under Fed. R. 23 Civ. P. 45, on the registrar of the domain name BUNGECHICAGO.COM in an effort to 24 identify the persons responsible for the defendant domain name and the associated 25 website. The recipient of a subpoena authorized by this Order shall give written notice, 26 ORDER GRANTING PLAINTIFFS LEAVE TO TAKE EXPEDITED DISCOVERY - 1

1 which includes email notice, and a copy of the subpoena to the registrant as soon as 2 possible after service of the subpoena. The registrar and/or registrant shall have thirty (30) days from the date of service of the subpoena on the registrar to object to the 3 4 subpoena pursuant to Fed. R. Civ. P. 45(c)(2)(B). The registrar shall not disclose the 5 requested information during the 30-day period or if a timely objection is served unless 6 and until the Court orders it to do so. If an objection is served, the registrar shall preserve 7 any material responsive to the subpoena for a period of six months in order to allow 8 plaintiffs to move for an order compelling production under Fed. R. Civ. P. 9 45(c)(2)(B)(i). If no objection is served, the registrar shall comply with the subpoena 10 within ten (10) days. 11 Plaintiffs have not justified their request for leave to file discovery on 12 unidentified persons or entities related to "other similar websites and domain names," 13 however. If the information obtained from the domain name registrar is insufficient or 14 suggests other avenues of investigation, plaintiffs may request leave of Court to serve 15 additional third-party discovery. 16 17 Plaintiff shall provide a copy of this Order with each subpoena issued 18 pursuant thereto. 19 20 Dated this 22nd day of May, 2013. 21 MMS Casnik 22 United States District Judge 23 24 25

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