

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UN4 PRODUCTIONS, INC.,

Plaintiff,

V.

DOES 1 - 12,

Defendants.

Case No. C17-1404RSL

ORDER GRANTING LEAVE FOR PRELIMINARY DISCOVERY

This matter comes before the Court on plaintiff's "Ex Parte Motion for Expedited Discovery" in the above-captioned matter. Dkt. # 5. Because plaintiff cannot identify the Doe defendants without taking discovery from internet service providers regarding each defendant's IP address, plaintiff's motion is **GRANTED**.

Plaintiff may issue subpoenas under Fed. R. Civ. P. 45 on internet service providers seeking information that would allow service on the Doe defendants. The information requested shall be limited to the subscriber's name, address, and email address.¹ An internet service provider ("ISP") served with a subpoena authorized by this Order shall give written notice, which includes email notice, and a copy of the subpoena to any affected subscriber(s) as soon as possible after service of the subpoena and shall

¹ The discovery authorized by this Order is limited to its terms. The Court has not authorized discovery of telephone numbers or any other forms of discovery.

provide plaintiff with the date(s) upon which notice was provided to each affected subscriber. The ISP and/or any affected subscriber(s) shall have thirty (30) days from the date the subscriber is notified of the subpoena to object to the production pursuant to Fed. R. Civ. P. 45(d)(2)(B). Any objection must be in writing and sent to the ISP and to David A. Lowe, Lowe Graham Jones PLLC, 701 Fifth Ave., Suite 4800, Seattle, WA 98104. The objection need not contain the subscriber's identifying information: the subscriber may be identified by his or her IP address.

The ISP shall not disclose defendants' identifying information before or during the 30-day period or if a timely objection is made unless and until the objection is overruled by the Court. If an objection is served, plaintiff has the burden of seeking to compel discovery under Fed. R. Civ. P. 45(d)(2)(B)(i): the ISP shall preserve any material responsive to the subpoena for a period of sixty (60) days from receipt of the objection. If no objection is served, the ISP shall comply with the subpoena within seven (7) days or as soon as possible after termination of the 30-day period.

Plaintiff shall provide a copy of this Order with each subpoena issued pursuant thereto.

Dated this 19th day of September, 2017.

Robert S Lasnik
Robert S. Lasnik
United States District Judge