

Adult Copyright Company
322 W. Washington Street, Suite 8
Charles Town, WV 25414

Wednesday, November 24, 2010

VIA U.S. MAIL

Earthlink, Inc.
Attn: Fay Slaveikis, Subpoena Compliance
1375 Peachtree Street, NE – Level A
Atlanta, GA 30309

Re: Court Order & Subpoena: Axel Braun Productions v. Does 1-7098
Civil Action No. 3:10-cv-00112
U.S. District Court for the Northern District of West Virginia


Dear Custodian of Records:

Please find the enclosed subpoena and court order, together with the attached list of IP Addresses. In accordance with our duty under Rule 45 and in order to reduce the administrative burden and cost of this production and facilitate your search and records work in retrieving the customer contact information for the enclosed IP addresses we invite you to contact us upon receipt hereof so that we may discuss any questions, concerns or issues you may have.

Please note that pursuant to the court's order, "if the ISP and/or any defendant wishes to move to quash the subpoena, such party must do so before the return date of the subpoena and the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash."

Thank you very much for assisting us with this request. We look forward to working with you. Please contact me with any questions.

Sincerely,


Kenneth J. Ford

Enclosures: Subpoenas; Court Orders; Schedule A - IP Address Lists

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

Axel Braun Productions

Plaintiff

v.

DOES 1-7098

Defendant

Civil Action No. 3:10-cv-00112

(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: Earthlink, Inc., Attn: Fay Slaveikis, Subpoena Compliance, 1375 Peachtree St. NE – Level A, Atlanta, GA 30309, schulzfay@corp.earthlink.net, fax: 404-287-4905

☒ **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: Pursuant to the attached order, provide the name, current (and permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of all individuals whose IP addresses are listed in the attached Schedule A to Plaintiff's Complaint.

Place: Kenneth J. Ford, Esq.
Adult Copyright Company
322 W. Washington Street, Suite 8

Date and Time:

12/30/2010 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(c), 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: 11/24/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

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

Axel Braun Productions, who issues or requests this subpoena, are:

Kenneth J. Ford, Adult Copyright Company, 322 W. Washington Street, Suite 8, Charles Town, WV 25414
Tel: 304-945-0288, Fax: 304-945-0288, email: kford@adultcopyrightcompany.com

Civil Action No. 3:10-cv-00112

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Martinsburg**

AXEL BRAUN PRODUCTIONS,

Plaintiff,

v.

Case No. 3:10-CV-112
Judge Bailey

DOES 1 - 7098,

Defendants.

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

Pending before this Court is plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference (Doc. 3). This Court, having reviewed the Complaint (Doc. 1) and Motion (Doc. 3) and the Memorandum of Points and Authorities in Support of Motion for Leave to Take Discovery Prior to Rule 26(f) Conference (Doc. 4), is of the opinion that the Motion should be **GRANTED**. Accordingly, it is hereby **ORDERED** as follows:

1. That the plaintiff is allowed to serve immediate discovery on the Internet Service Providers ("ISPs") listed in Schedule A to plaintiff's Complaint in order to obtain the identity of each Doe defendant, including those Doe defendants for which plaintiff has already identified an Internet Protocol (IP) address and those Doe defendants for which plaintiff identifies IP addresses during the course of this litigation, by serving a Rule 45 subpoena that seeks information sufficient to identify each defendant, including name, current and permanent addresses, telephone numbers, email addresses, and Media Access Control addresses;
2. That the plaintiff may serve immediate discovery on any ISP identified by the

same means detailed in the Motion and Declaration of Matthias Schroeder Padewet (Doc. 4), or identified as providing network access or online services to one or more Doe defendants, by an ISP upon whom a Rule 45 subpoena is served, for which an infringing download has been identified by individual IP address together with the date and time access to the torrent network by such IP address was made for the purpose of downloading unlawful copies of plaintiff's copyrighted motion picture, "*Batman XXX: A Porn Parody*." Such Rule 45 subpoena may seek information sufficient to identify each Doe defendant, including his or here name, address, telephone number, email address, and Media Access Control Address;

3. That plaintiff is permitted to serve a Rule 45 subpoena in the same manner as above to any ISP that is identified in response to a subpoena as a provider of internet services to one of the Doe defendants;

4. That any information disclosed to plaintiff in response to a Rule 45 subpoena may be used in this action by plaintiff for the purpose of protecting plaintiff's rights as set forth in its Complaint and for no other purpose;

5. That if the ISP and/or any defendant wishes to move to quash the subpoena, such party must do so before the return date of the subpoena, which shall be at least thirty days from the date of service;

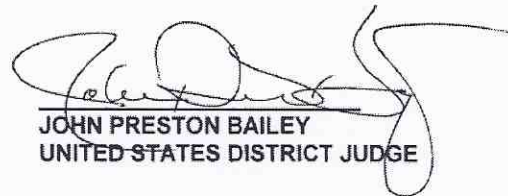
6. That the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; and

7. That the plaintiff shall provide each ISP to which a subpoena is directed with a copy of this Order.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein.

DATED: November 12, 2010.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

SCHEDULE A

3744	72.204.206.69	2010-10-26 11:00:10 PM	Batman XXX	Cox Communications	
3745	24.206.69.157	2010-08-01 10:50:34 PM	Batman XXX	EarthLink	
3746	69.91.94.177	2010-08-02 04:36:46 AM	Batman XXX	EarthLink	
3747	24.238.204.81	2010-08-02 06:40:14 PM	Batman XXX	EarthLink	
3748	216.73.200.84	2010-08-02 09:10:52 PM	Batman XXX	EarthLink	
3749	24.199.104.206	2010-08-03 01:17:27 AM	Batman XXX	EarthLink	
3750	24.144.80.11	2010-08-03 09:40:00 PM	Batman XXX	EarthLink	
3751	66.133.230.119	2010-08-04 10:48:43 AM	Batman XXX	EarthLink	
3752	72.21.140.142	2010-08-07 07:09:41 AM	Batman XXX	EarthLink	
3753	24.206.121.117	2010-08-08 03:44:08 PM	Batman XXX	EarthLink	
3754	24.110.212.216	2010-08-08 09:04:31 PM	Batman XXX	EarthLink	
3755	208.124.59.142	2010-08-11 05:52:12 PM	Batman XXX	EarthLink	
3756	24.171.147.66	2010-08-11 11:05:21 PM	Batman XXX	EarthLink	
3757	24.152.164.194	2010-08-12 12:34:47 AM	Batman XXX	EarthLink	
3758	69.86.81.142	2010-08-12 10:28:20 AM	Batman XXX	EarthLink	
3759	69.81.27.64	2010-08-12 01:18:09 PM	Batman XXX	EarthLink	
3760	24.42.108.228	2010-08-13 05:01:59 AM	Batman XXX	EarthLink	
3761	76.15.120.69	2010-08-14 04:11:34 AM	Batman XXX	EarthLink	
3762	24.148.133.211	2010-08-14 08:42:21 AM	Batman XXX	EarthLink	
3763	69.86.19.125	2010-08-14 08:12:18 PM	Batman XXX	EarthLink	
3764	76.15.107.33	2010-08-15 03:10:29 AM	Batman XXX	EarthLink	
3765	24.215.173.217	2010-08-17 01:48:36 AM	Batman XXX	EarthLink	
3766	24.136.168.44	2010-08-18 09:19:01 AM	Batman XXX	EarthLink	
3767	24.152.178.72	2010-08-18 11:18:56 AM	Batman XXX	EarthLink	
3768	69.86.13.65	2010-08-19 05:06:03 AM	Batman XXX	EarthLink	
3769	24.223.162.106	2010-08-20 10:17:09 PM	Batman XXX	EarthLink	
3770	24.136.128.137	2010-08-21 04:22:48 AM	Batman XXX	EarthLink	
3771	66.133.247.112	2010-08-24 05:19:07 PM	Batman XXX	EarthLink	
3772	208.120.88.186	2010-08-24 05:58:07 PM	Batman XXX	EarthLink	
3773	24.239.129.56	2010-08-25 04:18:34 AM	Batman XXX	EarthLink	
3774	24.110.77.227	2010-08-26 12:33:57 AM	Batman XXX	EarthLink	
3775	64.131.160.184	2010-08-26 04:44:01 PM	Batman XXX	EarthLink	
3776	24.148.242.74	2010-08-28 02:16:09 PM	Batman XXX	EarthLink	
3777	24.171.134.246	2010-08-29 01:29:18 AM	Batman XXX	EarthLink	
3778	63.246.173.63	2010-08-30 04:02:39 AM	Batman XXX	EarthLink	
3779	24.223.240.126	2010-08-30 04:07:23 PM	Batman XXX	EarthLink	
3780	208.120.84.83	2010-08-31 08:51:35 AM	Batman XXX	EarthLink	
3781	76.15.201.6	2010-08-31 10:49:51 AM	Batman XXX	EarthLink	
3782	69.86.153.24	2010-08-31 11:05:35 PM	Batman XXX	EarthLink	
3783	24.223.240.26	2010-09-01 01:11:16 AM	Batman XXX	EarthLink	
3784	72.21.131.233	2010-09-01 10:49:27 PM	Batman XXX	EarthLink	
3785	64.203.42.11	2010-09-06 02:03:17 AM	Batman XXX	EarthLink	
3786	69.86.127.202	2010-09-06 02:15:43 AM	Batman XXX	EarthLink	
3787	24.238.199.135	2010-09-20 09:20:11 PM	Batman XXX	EarthLink	
3788	69.86.202.96	2010-09-24 12:09:17 AM	Batman XXX	EarthLink	
3789	24.225.66.20	2010-09-24 05:39:02 AM	Batman XXX	EarthLink	
3790	24.238.190.130	2010-09-24 03:10:45 PM	Batman XXX	EarthLink	
3791	24.215.251.216	2010-09-24 04:58:33 PM	Batman XXX	EarthLink	
3792	24.42.66.2	2010-10-09 09:29:44 AM	Batman XXX	EarthLink	
3793	216.73.199.42	2010-10-11 05:37:33 PM	Batman XXX	EarthLink	
3794	67.58.159.229	2010-10-13 06:23:16 AM	Batman XXX	EarthLink	
3795	24.215.238.131	2010-10-15 01:03:35 AM	Batman XXX	EarthLink	

3796	24.215.236.16	2010-10-18 07:29:04 AM	Batman XXX	EarthLink	
3797	64.91.200.130	2010-10-20 10:19:29 PM	Batman XXX	EarthLink	
3798	209.162.42.17	2010-10-21 07:17:00 PM	Batman XXX	EarthLink	
3799	216.73.204.139	2010-10-21 09:38:04 PM	Batman XXX	EarthLink	
3800	66.32.23.151	2010-10-22 12:35:45 AM	Batman XXX	EarthLink	
3801	66.32.125.182	2010-10-22 03:14:12 AM	Batman XXX	EarthLink	
3802	76.15.11.233	2010-10-22 05:28:21 PM	Batman XXX	EarthLink	
3803	69.86.89.8	2010-10-27 12:30:59 AM	Batman XXX	EarthLink	
3804	209.177.124.6	2010-08-04 05:20:39 AM	Batman XXX	Frontier Communications	
3805	74.35.251.244	2010-08-08 09:32:37 AM	Batman XXX	Frontier Communications	
3806	74.46.59.4	2010-08-09 12:57:16 AM	Batman XXX	Frontier Communications	
3807	74.32.226.121	2010-08-10 07:16:54 AM	Batman XXX	Frontier Communications	
3808	184.8.124.86	2010-08-14 04:24:27 AM	Batman XXX	Frontier Communications	
3809	74.36.133.220	2010-08-15 09:28:12 AM	Batman XXX	Frontier Communications	
3810	74.36.129.27	2010-08-16 02:47:31 AM	Batman XXX	Frontier Communications	
3811	184.8.125.119	2010-08-23 01:40:07 AM	Batman XXX	Frontier Communications	
3812	74.42.130.139	2010-08-23 01:48:34 AM	Batman XXX	Frontier Communications	
3813	184.14.183.201	2010-08-23 03:48:38 AM	Batman XXX	Frontier Communications	
3814	173.84.21.204	2010-08-23 09:44:44 AM	Batman XXX	Frontier Communications	
3815	184.12.208.79	2010-08-26 11:21:09 AM	Batman XXX	Frontier Communications	
3816	74.33.4.33	2010-08-31 12:59:50 PM	Batman XXX	Frontier Communications	
3817	173.86.123.251	2010-09-02 06:39:46 PM	Batman XXX	Frontier Communications	
3818	173.85.206.245	2010-09-06 01:55:43 AM	Batman XXX	Frontier Communications	
3819	208.111.240.1	2010-09-11 06:50:36 PM	Batman XXX	Frontier Communications	
3820	173.85.172.50	2010-09-13 05:53:16 AM	Batman XXX	Frontier Communications	
3821	74.212.23.159	2010-09-13 06:51:36 AM	Batman XXX	Frontier Communications	
3822	184.8.121.136	2010-09-22 08:59:04 AM	Batman XXX	Frontier Communications	
3823	184.15.194.196	2010-10-13 10:26:19 PM	Batman XXX	Frontier Communications	
3824	74.128.156.196	2010-08-01 10:14:51 PM	Batman XXX	Insight Communications Company	
3825	74.136.185.12	2010-08-01 11:21:38 PM	Batman XXX	Insight Communications Company	
3826	74.132.0.205	2010-08-02 01:24:06 AM	Batman XXX	Insight Communications Company	
3827	74.129.34.106	2010-08-02 03:09:45 AM	Batman XXX	Insight Communications Company	
3828	96.28.86.94	2010-08-02 04:07:21 AM	Batman XXX	Insight Communications Company	
3829	74.132.140.134	2010-08-02 04:52:27 AM	Batman XXX	Insight Communications Company	
3830	96.28.89.38	2010-08-02 04:12:02 PM	Batman XXX	Insight Communications Company	
3831	74.131.10.154	2010-08-03 01:27:31 AM	Batman XXX	Insight Communications Company	
3832	74.129.209.65	2010-08-05 10:21:22 AM	Batman XXX	Insight Communications Company	
3833	74.129.210.51	2010-08-07 05:06:59 AM	Batman XXX	Insight Communications Company	
3834	74.133.162.139	2010-08-08 01:01:41 PM	Batman XXX	Insight Communications Company	
3835	74.137.20.101	2010-08-09 12:12:56 PM	Batman XXX	Insight Communications Company	
3836	74.137.153.25	2010-08-10 01:42:08 PM	Batman XXX	Insight Communications Company	
3837	74.129.132.95	2010-08-10 11:54:40 PM	Batman XXX	Insight Communications Company	
3838	74.130.188.108	2010-08-11 06:48:09 PM	Batman XXX	Insight Communications Company	
3839	74.132.139.123	2010-08-14 01:01:50 AM	Batman XXX	Insight Communications Company	
3840	74.129.64.80	2010-08-14 09:00:46 PM	Batman XXX	Insight Communications Company	
3841	74.141.84.46	2010-08-19 10:28:02 PM	Batman XXX	Insight Communications Company	
3842	74.136.134.35	2010-08-20 02:31:58 AM	Batman XXX	Insight Communications Company	
3843	74.132.131.166	2010-08-20 09:22:26 PM	Batman XXX	Insight Communications Company	
3844	74.131.131.213	2010-08-21 12:28:34 AM	Batman XXX	Insight Communications Company	
3845	74.130.66.182	2010-08-23 04:08:52 AM	Batman XXX	Insight Communications Company	
3846	74.129.196.176	2010-08-25 07:53:27 PM	Batman XXX	Insight Communications Company	
3847	74.133.208.71	2010-08-25 08:20:04 PM	Batman XXX	Insight Communications Company	