

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

Wednesday, November 24, 2010

VIA U.S. MAIL

RCN Telecom Services, Inc.
c/o Neustar, Inc.
46000 Center Oak Plaza
Sterling, VA 20166

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: RCN Telecom Services, Inc., c/o Neustar, Inc. 46000 Center Oak Plaza, Sterling, VA 20166

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;

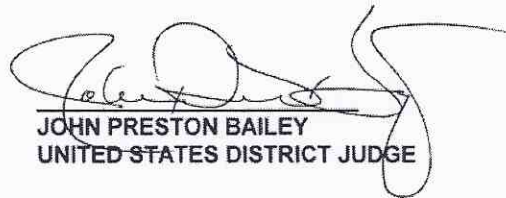
6. That the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; and

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

4420	174.16.53.120	2010-10-20 09:02:25 PM	Batman XXX	Qwest Communications	
4421	67.129.232.50	2010-10-21 07:41:03 PM	Batman XXX	Qwest Communications	
4422	97.126.203.75	2010-10-22 12:17:21 AM	Batman XXX	Qwest Communications	
4423	174.24.142.31	2010-10-22 07:17:17 AM	Batman XXX	Qwest Communications	
4424	174.17.86.193	2010-10-22 02:56:53 PM	Batman XXX	Qwest Communications	
4425	184.100.95.21	2010-10-23 06:32:30 PM	Batman XXX	Qwest Communications	
4426	63.231.37.35	2010-10-23 06:35:26 PM	Batman XXX	Qwest Communications	
4427	174.24.132.225	2010-10-24 04:37:56 AM	Batman XXX	Qwest Communications	
4428	71.210.252.80	2010-10-24 09:15:11 AM	Batman XXX	Qwest Communications	
4429	71.208.133.26	2010-10-24 11:50:26 AM	Batman XXX	Qwest Communications	
4430	97.120.70.54	2010-10-24 03:06:53 PM	Batman XXX	Qwest Communications	
4431	174.30.197.253	2010-10-25 03:43:02 AM	Batman XXX	Qwest Communications	
4432	184.97.225.23	2010-10-25 04:03:43 AM	Batman XXX	Qwest Communications	
4433	174.16.126.120	2010-10-26 01:05:34 AM	Batman XXX	Qwest Communications	
4434	71.208.75.155	2010-10-26 10:01:04 AM	Batman XXX	Qwest Communications	
4435	216.164.4.56	2010-08-01 04:46:50 PM	Batman XXX	RCN Corporation	
4436	216.164.208.130	2010-08-02 03:48:40 AM	Batman XXX	RCN Corporation	
4437	207.172.108.86	2010-08-02 02:49:17 PM	Batman XXX	RCN Corporation	
4438	65.79.128.112	2010-08-02 07:40:13 PM	Batman XXX	RCN Corporation	
4439	216.80.75.162	2010-08-03 12:42:42 AM	Batman XXX	RCN Corporation	
4440	216.80.117.26	2010-08-05 02:10:14 AM	Batman XXX	RCN Corporation	
4441	65.78.65.4	2010-08-05 05:37:14 AM	Batman XXX	RCN Corporation	
4442	208.58.250.57	2010-08-07 03:00:59 PM	Batman XXX	RCN Corporation	
4443	24.148.33.229	2010-08-07 03:27:14 PM	Batman XXX	RCN Corporation	
4444	216.164.153.87	2010-08-07 04:58:41 PM	Batman XXX	RCN Corporation	
4445	24.148.19.234	2010-08-07 08:36:14 PM	Batman XXX	RCN Corporation	
4446	216.220.64.78	2010-08-07 11:40:17 PM	Batman XXX	RCN Corporation	
4447	209.6.93.82	2010-08-09 04:02:03 AM	Batman XXX	RCN Corporation	
4448	216.164.174.13	2010-08-09 06:40:39 AM	Batman XXX	RCN Corporation	
4449	216.15.54.83	2010-08-10 12:32:08 PM	Batman XXX	RCN Corporation	
4450	209.6.170.82	2010-08-10 10:27:34 PM	Batman XXX	RCN Corporation	
4451	64.121.52.225	2010-08-11 01:48:51 AM	Batman XXX	RCN Corporation	
4452	207.38.183.218	2010-08-11 04:08:02 AM	Batman XXX	RCN Corporation	
4453	209.6.150.101	2010-08-11 09:53:20 PM	Batman XXX	RCN Corporation	
4454	24.148.70.79	2010-08-13 12:47:31 PM	Batman XXX	RCN Corporation	
4455	24.148.38.122	2010-08-16 09:51:01 AM	Batman XXX	RCN Corporation	
4456	207.172.136.63	2010-08-18 04:05:47 AM	Batman XXX	RCN Corporation	
4457	207.172.208.54	2010-08-22 07:32:16 AM	Batman XXX	RCN Corporation	
4458	207.38.155.71	2010-08-26 04:29:39 PM	Batman XXX	RCN Corporation	
4459	207.172.126.147	2010-08-27 12:52:56 PM	Batman XXX	RCN Corporation	
4460	207.180.176.121	2010-08-28 01:05:40 AM	Batman XXX	RCN Corporation	
4461	216.80.92.209	2010-08-29 03:43:09 PM	Batman XXX	RCN Corporation	
4462	209.6.73.161	2010-09-02 10:20:21 PM	Batman XXX	RCN Corporation	
4463	209.6.200.22	2010-09-03 12:26:08 PM	Batman XXX	RCN Corporation	
4464	65.78.62.61	2010-09-05 11:04:41 AM	Batman XXX	RCN Corporation	
4465	64.121.114.127	2010-09-09 09:27:32 PM	Batman XXX	RCN Corporation	
4466	24.148.78.131	2010-09-12 11:17:16 PM	Batman XXX	RCN Corporation	
4467	209.6.143.200	2010-09-13 09:35:34 PM	Batman XXX	RCN Corporation	
4468	207.172.171.250	2010-09-17 12:35:50 AM	Batman XXX	RCN Corporation	
4469	209.6.154.40	2010-09-21 06:17:05 PM	Batman XXX	RCN Corporation	
4470	24.148.37.181	2010-09-23 08:51:54 AM	Batman XXX	RCN Corporation	
4471	24.148.21.136	2010-09-25 07:47:09 PM	Batman XXX	RCN Corporation	