

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

Wednesday, November 24, 2010

**VIA U.S. MAIL**

SBC Internet Services, Inc. dba AT&T Internet Services  
Attn: Custodian of Records  
1010 N. St. Mary's Street, Room  
315-A2 San Antonio, TX 78215

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: SBC Internet Services, Inc. dba ATT&T Services, Attn: Custodian of Records, 1010 N. St. Mary's St., Rm. 315-A2, San Antonio, TX 78215

**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;

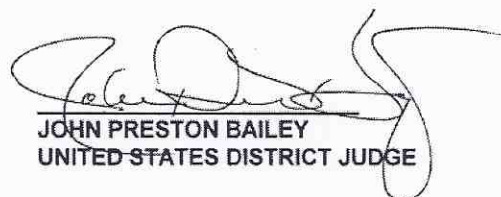
6. That the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; and

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**

Does	Host IP address	Hit Date (UTC)	Related Title	ISP
1	12.182.141.111	2010-08-02 12:54:11 AM	Batman XXX	AT&T WorldNet Services
2	12.204.57.196	2010-08-06 05:59:18 PM	Batman XXX	AT&T WorldNet Services
3	12.176.103.119	2010-08-09 12:57:52 PM	Batman XXX	AT&T WorldNet Services
4	12.45.2.104	2010-08-10 06:40:32 PM	Batman XXX	AT&T WorldNet Services
5	12.232.190.142	2010-08-19 04:17:08 AM	Batman XXX	AT&T WorldNet Services
6	12.239.122.167	2010-08-26 11:17:02 AM	Batman XXX	AT&T WorldNet Services
7	12.239.92.169	2010-08-28 06:04:39 AM	Batman XXX	AT&T WorldNet Services
8	12.198.14.199	2010-08-31 11:15:34 AM	Batman XXX	AT&T WorldNet Services
9	12.181.13.180	2010-09-14 03:17:23 AM	Batman XXX	AT&T WorldNet Services
10	12.139.96.170	2010-09-14 07:57:55 AM	Batman XXX	AT&T WorldNet Services
11	12.44.11.194	2010-09-19 02:47:21 PM	Batman XXX	AT&T WorldNet Services
12	12.185.104.235	2010-09-19 06:41:54 PM	Batman XXX	AT&T WorldNet Services
13	12.12.34.54	2010-09-20 09:04:23 AM	Batman XXX	AT&T WorldNet Services
14	12.229.185.131	2010-09-22 12:37:39 AM	Batman XXX	AT&T WorldNet Services
15	12.232.117.226	2010-09-24 07:59:41 AM	Batman XXX	AT&T WorldNet Services
16	12.26.82.66	2010-09-27 12:16:44 PM	Batman XXX	AT&T WorldNet Services
17	12.172.194.127	2010-10-08 12:58:15 PM	Batman XXX	AT&T WorldNet Services
18	12.48.220.130	2010-10-08 04:53:48 PM	Batman XXX	AT&T WorldNet Services
19	12.20.22.150	2010-10-16 04:07:27 PM	Batman XXX	AT&T WorldNet Services
20	12.235.16.2	2010-10-20 06:55:50 PM	Batman XXX	AT&T WorldNet Services
21	12.33.56.130	2010-10-21 02:17:38 AM	Batman XXX	AT&T WorldNet Services
22	12.12.31.100	2010-10-26 01:30:42 AM	Batman XXX	AT&T WorldNet Services
23	12.97.136.242	2010-10-26 09:28:26 PM	Batman XXX	AT&T WorldNet Services
24	72.175.16.151	2010-08-01 07:41:12 PM	Batman XXX	Bresnan Communications
25	69.145.120.150	2010-08-02 09:52:03 AM	Batman XXX	Bresnan Communications
26	174.45.133.225	2010-08-03 03:57:55 AM	Batman XXX	Bresnan Communications
27	72.174.90.187	2010-08-04 12:23:39 AM	Batman XXX	Bresnan Communications
28	69.144.98.83	2010-08-05 05:48:28 AM	Batman XXX	Bresnan Communications
29	174.45.178.69	2010-08-08 12:32:10 AM	Batman XXX	Bresnan Communications
30	69.145.150.220	2010-08-08 10:30:03 PM	Batman XXX	Bresnan Communications
31	72.174.51.9	2010-08-10 07:10:01 AM	Batman XXX	Bresnan Communications
32	72.174.170.16	2010-08-11 09:03:16 PM	Batman XXX	Bresnan Communications
33	174.45.22.251	2010-08-12 12:13:02 AM	Batman XXX	Bresnan Communications
34	98.127.147.1	2010-08-16 04:58:59 AM	Batman XXX	Bresnan Communications
35	72.174.45.14	2010-08-17 12:29:33 AM	Batman XXX	Bresnan Communications
36	174.44.87.89	2010-08-17 12:48:55 AM	Batman XXX	Bresnan Communications
37	69.144.209.68	2010-08-19 01:43:19 AM	Batman XXX	Bresnan Communications
38	98.127.36.22	2010-08-29 10:38:18 AM	Batman XXX	Bresnan Communications
39	98.127.255.202	2010-08-30 02:23:40 PM	Batman XXX	Bresnan Communications
40	174.45.15.77	2010-09-03 04:55:38 AM	Batman XXX	Bresnan Communications
41	174.45.107.167	2010-09-13 01:17:36 AM	Batman XXX	Bresnan Communications
42	72.174.12.241	2010-09-22 03:03:13 PM	Batman XXX	Bresnan Communications
43	174.45.202.244	2010-09-26 12:49:01 PM	Batman XXX	Bresnan Communications
44	174.44.204.242	2010-10-23 04:46:41 AM	Batman XXX	Bresnan Communications
45	98.127.47.158	2010-10-25 03:07:05 PM	Batman XXX	Bresnan Communications
46	96.37.157.141	2010-08-01 06:41:03 PM	Batman XXX	Charter Communications
47	66.189.66.98	2010-08-01 09:12:18 PM	Batman XXX	Charter Communications
48	75.139.157.179	2010-08-01 10:12:12 PM	Batman XXX	Charter Communications
49	68.116.195.156	2010-08-01 11:37:03 PM	Batman XXX	Charter Communications
50	24.177.224.177	2010-08-02 01:40:32 AM	Batman XXX	Charter Communications
51	71.89.4.156	2010-08-02 01:57:42 AM	Batman XXX	Charter Communications