

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

Wednesday, November 24, 2010

VIA U.S. MAIL

Wide Open West

Attn: Marian Samuals/Custodian of Records

1674 Frontenac Road

Naperville, IL 60563

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

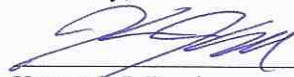
Dear Custodian of Records:

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

Combat Zone, Inc.

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: Wide Open West Attn: Marian Samuals/Custodian of Records, 1674 Frontenac Road, Naperville, IL 60563

☒ **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;

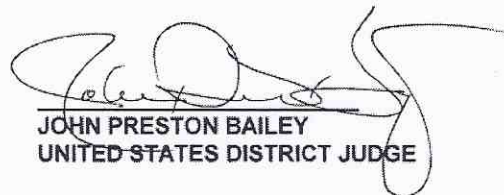
6. That the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; and

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

6968	71.191.159.193	2010-10-24 05:15:21 PM	Batman XXX	Verizon Internet Services	
6969	96.255.46.234	2010-10-25 01:21:06 AM	Batman XXX	Verizon Internet Services	
6970	108.4.214.196	2010-10-25 01:36:56 AM	Batman XXX	Verizon Internet Services	
6971	96.232.169.75	2010-10-25 01:59:00 AM	Batman XXX	Verizon Internet Services	
6972	74.107.137.200	2010-10-25 03:06:13 AM	Batman XXX	Verizon Internet Services	
6973	96.239.128.144	2010-10-25 03:44:12 AM	Batman XXX	Verizon Internet Services	
6974	96.255.80.91	2010-10-25 02:29:31 PM	Batman XXX	Verizon Internet Services	
6975	71.172.69.111	2010-10-25 04:38:06 PM	Batman XXX	Verizon Internet Services	
6976	96.245.194.161	2010-10-25 05:32:59 PM	Batman XXX	Verizon Internet Services	
6977	173.74.61.142	2010-10-25 08:48:24 PM	Batman XXX	Verizon Internet Services	
6978	96.245.196.168	2010-10-26 12:29:15 AM	Batman XXX	Verizon Internet Services	
6979	72.93.185.125	2010-10-26 01:00:00 AM	Batman XXX	Verizon Internet Services	
6980	72.88.90.164	2010-10-26 03:22:05 AM	Batman XXX	Verizon Internet Services	
6981	173.57.78.163	2010-10-26 04:33:08 AM	Batman XXX	Verizon Internet Services	
6982	98.111.26.112	2010-10-26 05:14:13 AM	Batman XXX	Verizon Internet Services	
6983	71.109.101.208	2010-10-26 09:23:49 AM	Batman XXX	Verizon Internet Services	
6984	71.187.70.32	2010-10-26 09:35:06 AM	Batman XXX	Verizon Internet Services	
6985	72.91.178.181	2010-10-26 05:36:39 PM	Batman XXX	Verizon Internet Services	
6986	71.117.233.238	2010-10-26 08:49:11 PM	Batman XXX	Verizon Internet Services	
6987	96.226.212.210	2010-10-26 10:15:38 PM	Batman XXX	Verizon Internet Services	
6988	71.175.206.107	2010-10-26 10:26:04 PM	Batman XXX	Verizon Internet Services	
6989	71.175.203.66	2010-10-26 10:37:53 PM	Batman XXX	Verizon Internet Services	
6990	74.105.168.104	2010-10-26 11:54:37 PM	Batman XXX	Verizon Internet Services	
6991	71.190.231.178	2010-10-27 12:14:06 AM	Batman XXX	Verizon Internet Services	
6992	96.233.179.222	2010-10-27 12:33:50 AM	Batman XXX	Verizon Internet Services	
6993	173.79.82.100	2010-10-27 01:10:33 AM	Batman XXX	Verizon Internet Services	
6994	74.108.88.100	2010-10-27 01:28:28 AM	Batman XXX	Verizon Internet Services	
6995	173.75.245.209	2010-10-27 03:22:11 AM	Batman XXX	Verizon Internet Services	
6996	173.58.28.239	2010-10-27 04:16:18 AM	Batman XXX	Verizon Internet Services	
6997	72.93.197.128	2010-10-27 04:33:02 AM	Batman XXX	Verizon Internet Services	
6998	173.48.171.206	2010-10-27 06:05:01 AM	Batman XXX	Verizon Internet Services	
6999	74.108.19.194	2010-10-27 07:53:29 AM	Batman XXX	Verizon Internet Services	
7000	69.14.246.217	2010-08-01 03:42:28 PM	Batman XXX	WideOpenWest	
7001	69.14.91.128	2010-08-01 10:33:15 PM	Batman XXX	WideOpenWest	
7002	24.192.97.243	2010-08-02 04:25:50 AM	Batman XXX	WideOpenWest	
7003	67.149.88.208	2010-08-04 02:15:26 AM	Batman XXX	WideOpenWest	
7004	64.53.237.168	2010-08-04 08:34:50 PM	Batman XXX	WideOpenWest	
7005	96.27.110.242	2010-08-05 03:17:16 AM	Batman XXX	WideOpenWest	
7006	64.53.212.157	2010-08-05 05:04:00 AM	Batman XXX	WideOpenWest	
7007	69.47.16.132	2010-08-05 06:21:24 PM	Batman XXX	WideOpenWest	
7008	24.192.17.63	2010-08-06 05:18:40 PM	Batman XXX	WideOpenWest	
7009	67.149.16.216	2010-08-08 06:15:00 AM	Batman XXX	WideOpenWest	
7010	24.192.214.106	2010-08-08 10:07:18 AM	Batman XXX	WideOpenWest	
7011	64.53.158.104	2010-08-09 03:03:27 AM	Batman XXX	WideOpenWest	
7012	67.149.9.207	2010-08-09 03:32:51 AM	Batman XXX	WideOpenWest	
7013	69.47.216.254	2010-08-09 04:15:39 AM	Batman XXX	WideOpenWest	
7014	24.192.133.20	2010-08-12 12:58:21 AM	Batman XXX	WideOpenWest	
7015	67.149.137.110	2010-08-13 11:02:04 AM	Batman XXX	WideOpenWest	
7016	96.27.34.237	2010-08-14 12:57:51 AM	Batman XXX	WideOpenWest	
7017	64.233.223.48	2010-08-15 07:38:07 AM	Batman XXX	WideOpenWest	
7018	75.118.192.150	2010-08-16 01:07:59 PM	Batman XXX	WideOpenWest	
7019	69.14.99.26	2010-08-19 10:00:40 PM	Batman XXX	WideOpenWest	

7020	75.118.116.29	2010-08-20 07:52:43 PM	Batman XXX	WideOpenWest	
7021	69.47.67.38	2010-08-21 08:01:15 AM	Batman XXX	WideOpenWest	
7022	64.53.200.10	2010-08-22 06:15:17 PM	Batman XXX	WideOpenWest	
7023	24.192.81.76	2010-08-27 09:15:33 AM	Batman XXX	WideOpenWest	
7024	69.47.156.254	2010-09-01 03:39:16 AM	Batman XXX	WideOpenWest	
7025	75.118.38.22	2010-09-02 09:50:23 PM	Batman XXX	WideOpenWest	
7026	64.233.230.158	2010-09-06 07:40:27 AM	Batman XXX	WideOpenWest	
7027	65.60.186.125	2010-09-09 06:37:15 PM	Batman XXX	WideOpenWest	
7028	69.14.99.15	2010-09-10 04:01:52 AM	Batman XXX	WideOpenWest	
7029	24.192.164.26	2010-09-13 08:03:36 AM	Batman XXX	WideOpenWest	
7030	75.118.173.222	2010-09-14 04:05:12 AM	Batman XXX	WideOpenWest	
7031	69.14.99.255	2010-09-19 02:23:36 AM	Batman XXX	WideOpenWest	
7032	69.14.202.249	2010-09-19 06:06:58 AM	Batman XXX	WideOpenWest	
7033	65.60.198.238	2010-09-20 04:59:37 AM	Batman XXX	WideOpenWest	
7034	24.192.245.148	2010-09-21 01:24:09 AM	Batman XXX	WideOpenWest	
7035	24.192.104.6	2010-09-22 11:38:33 AM	Batman XXX	WideOpenWest	
7036	64.53.241.80	2010-09-27 04:50:43 AM	Batman XXX	WideOpenWest	
7037	75.118.10.180	2010-10-08 11:02:34 PM	Batman XXX	WideOpenWest	
7038	24.192.99.39	2010-10-11 12:24:07 PM	Batman XXX	WideOpenWest	
7039	64.53.235.137	2010-10-11 07:37:56 PM	Batman XXX	WideOpenWest	
7040	64.53.142.3	2010-10-18 04:11:32 AM	Batman XXX	WideOpenWest	
7041	64.53.190.228	2010-10-20 09:35:16 PM	Batman XXX	WideOpenWest	
7042	69.14.156.16	2010-10-22 05:42:50 AM	Batman XXX	WideOpenWest	
7043	69.47.190.77	2010-10-24 06:19:53 PM	Batman XXX	WideOpenWest	
7044	67.149.34.135	2010-10-25 01:46:21 PM	Batman XXX	WideOpenWest	
7045	65.60.247.91	2010-10-25 07:49:57 PM	Batman XXX	WideOpenWest	
7046	174.131.143.196	2010-08-01 01:55:16 PM	Batman XXX	Windstream Communications	
7047	71.31.236.169	2010-08-01 04:14:53 PM	Batman XXX	Windstream Communications	
7048	75.90.69.231	2010-08-02 09:25:12 PM	Batman XXX	Windstream Communications	
7049	98.18.109.81	2010-08-04 04:37:23 AM	Batman XXX	Windstream Communications	
7050	75.89.166.34	2010-08-05 04:46:29 AM	Batman XXX	Windstream Communications	
7051	208.101.135.72	2010-08-05 02:23:17 PM	Batman XXX	Windstream Communications	
7052	75.90.20.201	2010-08-06 07:03:57 PM	Batman XXX	Windstream Communications	
7053	98.16.0.234	2010-08-07 02:14:48 AM	Batman XXX	Windstream Communications	
7054	75.88.86.109	2010-08-09 06:56:19 PM	Batman XXX	Windstream Communications	
7055	75.88.85.103	2010-08-09 10:31:23 PM	Batman XXX	Windstream Communications	
7056	174.130.84.63	2010-08-11 02:24:33 PM	Batman XXX	Windstream Communications	
7057	98.18.41.152	2010-08-14 11:15:25 PM	Batman XXX	Windstream Communications	
7058	173.186.28.131	2010-08-15 12:05:20 AM	Batman XXX	Windstream Communications	
7059	151.213.93.73	2010-08-17 01:57:24 AM	Batman XXX	Windstream Communications	
7060	75.91.65.77	2010-08-19 06:13:20 PM	Batman XXX	Windstream Communications	
7061	67.214.29.52	2010-08-20 10:40:37 AM	Batman XXX	Windstream Communications	
7062	98.18.60.137	2010-08-20 07:45:16 PM	Batman XXX	Windstream Communications	
7063	67.214.28.69	2010-08-28 01:14:09 PM	Batman XXX	Windstream Communications	
7064	98.22.240.250	2010-08-29 11:33:08 PM	Batman XXX	Windstream Communications	
7065	173.184.35.207	2010-08-31 08:27:50 AM	Batman XXX	Windstream Communications	
7066	173.191.10.189	2010-08-31 10:49:48 AM	Batman XXX	Windstream Communications	
7067	173.185.23.47	2010-08-31 12:03:27 PM	Batman XXX	Windstream Communications	
7068	75.117.209.95	2010-08-31 11:08:40 PM	Batman XXX	Windstream Communications	
7069	98.20.223.75	2010-09-01 01:50:05 AM	Batman XXX	Windstream Communications	
7070	173.191.72.251	2010-09-01 05:00:58 AM	Batman XXX	Windstream Communications	
7071	75.117.211.242	2010-09-10 09:10:40 AM	Batman XXX	Windstream Communications	