

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

**Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
98.234.250.188**

Strike 3 Holdings · No. 3:26-cv-00160 · Decided January 29, 2026

OPINION

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 98.234.250.188

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 STRIKE 3 HOLDINGS, LLC, Case No. 26-cv-00160-LJC 8 Plaintiff,

ORDER ON EX PARTE APPLICATION

9 v. FOR LEAVE TO SERVE THIRD-

PARTY SUBPOENA

10 JOHN DOE SUBSCRIBER ASSIGNED IP

ADDRESS 98.234.250.188, Re: Dkt. No. 7 11 Defendant. 12 13 Plaintiff Strike 3 Holdings, LLC
filed an ex parte application for leave to serve a third- 14 party subpoena prior to a Rule 26(f)
conference. The Court finds as follows: 15 1. Plaintiff has established “good cause” to serve a
third-party subpoena on Comcast 16 Cable (the ISP). See UMG Recording, Inc. v. Doe, 2008 WL
4104214, *4 (N.D. Cal. 2008); 17 Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6–7
(D.D.C. 2008); 18 2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to
19 provide Plaintiff with the true name and address of the Defendant to whom the ISP assigned
the 20 internet protocol (IP) address as set forth in Exhibit A to the Complaint. Plaintiff shall
attach to 21 any such subpoena a copy of this Order; 22 3. Plaintiff may also serve a Rule 45
subpoena in the same manner as above on any 23 service provider identified in response to a
subpoena as a provider of Internet services to the 24 Defendant; 25 4. If the ISP qualifies as a
“cable operator,” as defined by 47 U.S.C. § 522(5), which 26 provides: 27 the term “cable
operator” means any person or group of persons 1 (A) who provides cable service over a cable
system and directly or through one or more affiliates owns a significant interest in such cable 2
system, or (B) who otherwise controls or is responsible for, through any arrangement, the
management and operation of such a cable 3 system. 4 The ISP shall comply with 47 U.S.C. §
551(c)(2)(B), which provides: 5 A cable operator may disclose [personal identifying] information
if the disclosure is . . . made pursuant to a court order authorizing such 6 disclosure, if the
subscriber is notified of such order by the person to whom the order is directed 7 8 by

sending a copy of this Order to the Defendant; and 9 5. Plaintiff may use the information disclosed in response to a Rule 45 subpoena 10 served on the ISP only for the purpose of protecting and enforcing Plaintiff's rights as set forth in 11 its Complaint. 12 6. The ISP shall serve a copy of the subpoena and a copy of this Order on the 13 subscriber(s) within 30 days of the date of service on the ISP. The ISP may serve the subscriber(s) 14 using any reasonable means, including written notice sent to their last known address, transmitted 15 either by first-class mail or via overnight service. 16 7. Each subscriber and ISP shall have 30 days from the date of service upon them to 17 file a motion in this Court contesting the subpoena (including a motion to quash or modify the 18 subpoena). If the 30-day period lapses without a subscriber contesting the subpoena, the ISP shall 19 have 10 days thereafter to produce to Plaintiff the information responsive to the subpoena with 20 respect to that subscriber. 21 8. The ISP shall preserve all subpoenaed information pending production of the same 22 to Plaintiff or final resolution of any timely filed motion to quash the subpoena. 23 // 24 // 25 // 26 // 27 //] 9. The name and/or other personal identifying information of the Defendant shall be 2 // provisionally filed under seal in all filings and not otherwise disclosed. Once the Defendant has 3 // been served, the Court may require that the Defendant move for leave to proceed anonymously in 4 // this action. 5 IT IS SO ORDERED. 6 // Dated: January 29, 2026 7 g on | pari —

'A J. CISNEROS

9 ited States Magistrate Judge 10 1] a 12 13 14 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28