

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

**Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
99.121.63.154**

No. 3:26-cv-00121-CRB, United States District Court for the Northern District of California (January 21, 2026)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF
CALIFORNIA 10 STRIKE 3 HOLDINGS, LLC, Case No.: 3:26-cv-00121-CRB 11 Plaintiff,
[PROPOSED] ORDER ON EX PARTE 12 APPLICATION FOR LEAVE TO vs. SERVE THIRD-
PARTY SUBPOENA 13 PRIOR TO A RULE 26(f) JOHN DOE subscriber assigned IP address
CONFERENCE 14 99.121.63.154, 15 Defendant. 16 17 THIS CAUSE came before the Court
upon Plaintiff's Ex Parte Application for Leave to 18 Serve a Third-Party Subpoena Prior to a
Federal Rule of Civil Procedure 26(f) Conference (the 19 "Application"), and the Court being
duly advised does hereby: 20 FIND, ORDER AND ADJUDGE: 21 1.

Plaintiff has established that "good cause" exists for it to serve a third-party 22 subpoena on
AT&T Internet (hereinafter the "ISP"). See UMG Recording, Inc. v. Doe, 2008 23 WL 4104214,
*4 (N.D. Cal. 2008); and Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6– 24 7 (D.D.C.
2008); 25 2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to 26
provide Plaintiff with the true name and address of the Defendant to whom the ISP assigned an 27
1 1 IP address as set forth on Exhibit A to the Complaint.

Plaintiff shall attach to any such 2 subpoena a copy of this Order; 3 3. Plaintiff may also serve a
Rule 45 subpoena in the same manner as above on any 4 service provider that is identified in
response to a subpoena as a provider of Internet services to 5 one of the Defendants; 6 4. If the
ISP qualifies as a "cable operator," as defined by 47 U.S.C. § 522(5), 7 which states: 8 the term
"cable operator" means any person or group of persons 9 (A) who provides cable service over a
cable system and directly or through one 10 or more affiliates owns a significant interest in such
cable system, or 11 (B) who otherwise controls or is responsible for, through any arrangement, the
12 management and operation of such a cable system.

13 it shall comply with 47 U.S.C. § 551(c)(2)(B), which states: 14 A cable operator may disclose
such [personal identifying] information if the 15 disclosure is... made pursuant to a court order
authorizing such disclosure, if 16 the subscriber is notified of such order by the person to whom
the order is 17 directed. 18 by sending a copy of this Order to the Defendant; and 19 5.

Plaintiff may only use the information disclosed in response to a Rule 45 20 subpoena served on the ISP for the purpose of protecting and enforcing Plaintiff's rights as set 21 forth in its Complaint. 22 6. To ensure "the subscriber is notified of such [an] order," 47 U.S.C. § 23 551(c) (2)(B), the ISP shall, via certified mail, send notice to the subscriber which includes a 24 copy of this Order.

The ISP shall notify Plaintiff, in writing, of the date on which the 25 notification was mailed to the subscriber. In the event the ISP fails to notify Plaintiff that it has 26 27 2 1 || complied with this provision, Plaintiff shall serve a copy of this Order on the subscriber 2 || simultaneous to or before any other service. 3 IT IS SO ORDERED. 4 || Dated: __January 21, 2026 By: _ 5 — United States District Judge 5 Hon. Charles R. Breyer 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 [Proposed] Order on Application for Leave to Serve Third-Party Subpoena Prior to a Rule 26(f) Conference