

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. Doe

Case No. 25-cv-2327-BAS-DDL (S.D. Cal. Sept. 26, 2025) · No. 25-cv-2327-BAS-DDL · Decided September 26, 2025

SUMMARY

The United States District Court for the Southern District of California grants Strike 3 Holdings, LLC’s ex parte application to serve a third-party subpoena on Spectrum before the Rule 26(f) conference. The subpoena may seek only the name and address associated with IP address 76.82.27.73 to identify the Doe defendant in a copyright infringement action. The Court also imposes notice, challenge, preservation, and confidentiality requirements and limits use of the disclosed information to this litigation.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	David D. Leshner
JURISDICTION	United States District Court for the Southern District of California
DECIDED	September 26, 2025
DOCKET	25-cv-2327-BAS-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an ex parte application for leave to serve a third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference to identify an unknown copyright-infringement defendant.
STANDARD OF REVIEW	The decision whether to permit early discovery to determine jurisdictional facts is committed to the district court's discretion. Expedited discovery is evaluated under a good-cause standard, including whether the need for the information outweighs prejudice to the responding party.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

TOPICS

- discovery dispute
- service of process
- copyright infringement
- personal jurisdiction
- civil procedure

PRACTICE AREAS

Civil procedure

Copyright law

Discovery

Personal jurisdiction

Privacy and protective orders

QUESTIONS PRESENTED

1. Whether plaintiff established good cause for expedited discovery before the Rule 26(f) conference to identify an unknown defendant through a subpoena to the defendant's ISP.
2. Whether the requested discovery was sufficiently specific and limited to identifying information necessary to serve the defendant.
3. Whether the court should impose confidentiality and privacy protections on information disclosed in response to the subpoena.

HOLDINGS

1. The court may authorize limited early discovery to identify an unknown defendant when the plaintiff identifies the defendant with sufficient specificity, describes prior efforts to locate the defendant, and shows that the complaint could withstand a motion to dismiss. Plaintiff satisfied those requirements and established good cause for expedited discovery.
2. A unique IP address, combined with geolocation tracing to a location within the district, sufficiently identified the unknown defendant as a real person likely residing in California who could be sued in federal court.
3. Plaintiff satisfied the requirement to describe prior efforts to identify and serve the defendant by reporting its use of web searches, research into alternative identification methods, and cybersecurity expertise.
4. Plaintiff's complaint alleged a prima facie claim for direct copyright infringement and could likely withstand motions to dismiss for failure to state a claim, lack of personal jurisdiction, and improper venue.
5. Identifying information produced by Spectrum concerning Doe or any nonparty must be treated as confidential and used only for this litigation until the affected person has an opportunity to seek anonymous participation and a stipulated protective order.

KEY QUOTATIONS

“The Ninth Circuit holds when the Defendant’s identity is unknown at the time the complaint is filed, a court may grant leave to take early discovery to determine the Defendant’s identity “unless it is clear that discovery would not uncover the identit[y], or that the complaint would be dismissed on other grounds.”” (Order at 2)

“Courts apply a three-factor test when considering motions for early discovery to identify the Defendant.” (Order at 5)

“In sum, and for the reasons stated above, the Court finds Plaintiff has established good cause to pursue expedited discovery.” (Order at 7)

FACTUAL BACKGROUND

Plaintiff alleged that it owned adult-content films and that the unknown defendant downloaded and distributed approximately forty of those films without authorization. Plaintiff identified the defendant only through IP address 76.82.27.73 and determined that Spectrum was the ISP associated with that address. Plaintiff used geolocation technology, web searches, other research, and cybersecurity experts but could not identify the defendant without discovery from Spectrum.

PROCEDURAL HISTORY

Strike 3 Holdings filed a complaint asserting direct copyright infringement against John Doe, identified only by an IP address. Plaintiff then sought expedited discovery from Spectrum, the ISP associated with that IP address, before the Rule 26(f) conference. The court granted the application and authorized a narrowly limited subpoena subject to notice, challenge, preservation, and confidentiality requirements.

DISPOSITION

other

CASES CITED

- Columbia Ins. Co. v. seescandy.com, 185 F.R.D. 573 (N.D. Cal. 1999)
- Gillespie v. Civiletti, 629 F.2d 637 (9th Cir. 1980)
- Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273 (N.D. Cal. 2002)
- JustM2J LLC v. Brewer, No. 2:25-CV-00380-DAD-SCR, 2025 WL 435827 (E.D. Cal. Feb. 7, 2025)
- Pink Lotus Entm't, LLC v. Does 1-46, No. C-11-02263 HRL, 2011 WL 2470986 (N.D. Cal. June 21, 2011)
- Strike 3 Holdings, LLC v. Doe, No. 24-CV-03852-PHK, 2024 WL 4445129 (N.D. Cal. Oct. 8, 2024)
- Amazon.com, Inc. v. Does 1-20, No. 2:24-CV-01083-TL, 2024 WL 4893384 (W.D. Wash. Nov. 26, 2024)
- Malibu Media, 319 F.R.D. 299 (E.D. Cal. 2016)
- Criminal Prods., Inc. v. Doe, No. 16-cv-02353-DMS-MDD, 2016 WL 6070355 (S.D. Cal. Oct. 17, 2016)