

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP Address
24.128.171.199

Civil Case No. 4:25-cv-13754-FKB-KGA (E.D. Mich. Dec. 11, 2025) · No. 4:25-cv-13754-FKB-KGA ·
Decided December 11, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan grants Strike 3 Holdings, LLC leave to serve Comcast Cable and other identified internet service providers with Rule 45 subpoenas before a Rule 26(f) conference. The subpoenas may seek the name and address associated with the specified IP address, subject to notice requirements for cable operators and use of the disclosed information solely to protect and enforce the plaintiff’s asserted rights.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 11, 2025
DOCKET	4:25-cv-13754-FKB-KGA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve a third-party Rule 45 subpoena on Comcast Cable before the Rule 26(f) conference in order to identify the subscriber associated with an IP address allegedly involved in copyright infringement.
STANDARD OF REVIEW	Good-cause standard for expedited discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- third party practice
- copyright infringement
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether good cause existed to permit Plaintiff to serve a Rule 45 subpoena on the internet service provider before the Rule 26(f) conference.
2. What conditions should govern disclosure and use of the subscriber's identifying information.

HOLDINGS

1. Good cause existed for Plaintiff to serve Comcast Cable with a Rule 45 subpoena before the Rule 26(f) conference to obtain the true name and address of the subscriber assigned the IP address identified in the Complaint.
2. If Comcast Cable qualifies as a cable operator under 47 U.S.C. § 522(5), it may disclose the subscriber's personal identifying information pursuant to the court order only after the subscriber is notified of the order.
3. Plaintiff may use information disclosed in response to the Rule 45 subpoena only to protect and enforce the rights asserted in the Complaint.

KEY QUOTATIONS

“Plaintiff established that “good cause” exists for it to serve a third party subpoena on Comcast Cable” (¶ 1)

“Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on the ISP for the purpose of protecting and enforcing Plaintiff’s rights as set forth in its Complaint.” (¶ 5)

FACTUAL BACKGROUND

Plaintiff alleged that an unidentified defendant associated with IP address 24.128.171.199 infringed Plaintiff's copyright. Plaintiff sought the true name and address of the subscriber from Comcast Cable, the identified internet service provider, before the parties' Rule 26(f) conference. The order also contemplated subpoenas to other internet service providers identified through the discovery process.

PROCEDURAL HISTORY

Plaintiff filed a copyright-infringement action against a John Doe defendant identified by an IP address and sought early third-party discovery from the defendant's internet service provider. The district court granted the motion, authorized service of the subpoena, permitted follow-up subpoenas to subsequently identified internet service providers, and imposed statutory notice and use restrictions.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. 2008)
- Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008)

OPINION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN
 STRIKE 3 HOLDINGS, LLC,)) Plaintiff,) Civil Case No. 4:25-cv-13754-FKB-KGA) v.))
 JOHN DOE subscriber assigned IP) Address 24.128.171.199,)) Defendant.)) ORDER ON
 MOTION FOR LEAVE TO SERVE THIRD PARTY SUBPOENA PRIOR TO A RULE 26(f)
 CONFERENCE THIS CAUSE came before the Court upon Plaintiff’s Motion for Leave to Serve
 A Third Party Subpoena Prior to a Rule 26(f) Conference (the “Motion”), and the Court being duly
 advised in the premises does hereby: FIND, ORDER AND ADJUDGE: 1.

Plaintiff established that “good cause” exists for it to serve a third party subpoena on Comcast Cable (hereinafter the “ISP”). See UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. 2008); and Arista Records LLC v. Does 1- 19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008). 2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to provide Plaintiff with the true name and address of the Defendant to whom the ISP assigned an IP address as set forth in the Complaint.

Plaintiff shall attach to any such subpoena a copy of this Order. 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any service provider that is identified in response to a subpoena as a provider of Internet services to one of the Defendants. 4. If the ISP qualifies as a “cable operator,” as defined by 47 U.S.C. § 522(5), which states: the term “cable operator” means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system. it shall comply with 47 U.S.C. § 551(c)(2)(B), which states: A cable operator may disclose such [personal identifying] information if the disclosure is... made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed. by sending a copy of this Order to the Defendant. / / / / / 5.

Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on the ISP for the purpose of protecting and enforcing Plaintiff’s rights as set forth in its Complaint. SO ORDERED. Date: December 11, 2025 s/F. Kay Behm F. Kay Behm United States District Judge