

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

**Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
99.73.34.75**

No. 25-cv-03885-JCS (N.D. Cal. May 23, 2025) · No. 25-cv-03885-JCS · Decided May 23, 2025

OPINION

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 99.73.34.75

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

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STRIKE 3 HOLDINGS, LLC,

7 Case No. 25-cv-03885-JCS Plaintiff, 8

v. ORDER ON EX-PARTE

9 APPLICATION FOR LEAVE TO

JOHN DOE SUBSCRIBER ASSIGNED IP SERVE THIRD-PARTY SUBPOENA

10 ADDRESS 99.73.34.75, PRIOR TO A RULE 26(F)

CONFERENCE

11 Defendant. Re: Dkt. No. 7 12 13 Plaintiff Strike 3 Holdings, LLC moves ex parte for leave to
serve a third party subpoena 14 prior to a Rule 26(f) conference. The Court being duly advised
does hereby FIND, ORDER 15 AND ADJUDGE: 16

1. Plaintiff has established that “good cause” exists for it to serve a third party

17 subpoena on AT&T Inc. See UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal.
18 2008); and Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6-7 (D.D.C. 2008). 19

2. Plaintiff may serve AT&T Inc. with a Rule 45 subpoena commanding AT&T Inc.

20 to provide Plaintiff with the true name and address of the Defendant to whom AT&T Inc. 21
assigned the IP address 99.73.34.75. Plaintiff shall attach to any such subpoena a copy of this 22
Order. 23

3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any

24 service provider that is identified in response to a subpoena as a provider of Internet services to
25 Defendant (together with AT&T Inc., the “ISPs”). 26 27 1 4. IT IS FURTHER ORDERED that

subpoenas authorized by this order and issued 2 pursuant thereto shall be deemed appropriate
court orders under 47 U.S.C. § 551. In particular, 47 3 U.S.C. § 551(c)(2)(B) provides as follows:

4 (c) Disclosure of personally identifiable information 5 [. . .] 6 (2) A cable operator may disclose

such information if the disclosure is— [. . .] 7 (B) subject to subsection (h) [relating to disclosures to governmental 8 agencies] of this action, made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom 9 the order is directed 10 This order is an order authorizing such disclosure. 11 5. IT IS FURTHER ORDERED that each ISP will have 30 days from the date of 12 service upon it to serve each of its subscriber(s) whose identity information is sought with a copy 13 of the subpoena and a copy of this order. The ISPs may serve the subscribers using any 14 reasonable means, including written notice sent to the subscriber's last known address, transmitted 15 either by first-class mail or via overnight service. 16 6. IT IS FURTHER ORDERED that each subscriber and each ISP shall have 30 17 days from the date of service upon him, her or it to file any motions in this court contesting the 18 subpoena (including a motion to quash or modify the subpoena). If the 30-day period after service 19 on the subscriber lapses without the subscriber or the ISP contesting the subpoena, the ISP shall 20 have 10 days to produce to Plaintiff the information responsive to the subpoena with respect to 21 that subscriber. 22 7. IT IS FURTHER ORDERED that any ISP that receives a subpoena shall preserve 23 all subpoenaed information pending the ISP's delivering such information to Plaintiff or the final 24 resolution of a timely filed motion to quash the subpoena with respect to such information. 25 8. IT IS FURTHER ORDERED that any information disclosed to Plaintiff in 26 response to a subpoena may be used by Plaintiff solely for the purpose of protecting its rights 27 under the Copyright Act, 17 U.S.C. § 101 et seq. 1 any current or proposed defendant shall be filed UNDER SEAL in all filings and not otherwise 2 || disclosed. 3 IT IS SO ORDERED. 4 5 Dated: May 23, 2025 6

J PH C. SPERO

7 nited States Magistrate Judge 8 9 10 11 12 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28