

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

Baronius Press Ltd. v. John Doe, an individual or entity whose true
name is presently unknown

Baronius Press · No. No. 5:26-CV-88-BO-KS · Decided April 10, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina grants in part and denies in part Baronius Press Ltd.’s motion for leave to conduct discovery before the Rule 26(f) conference in a copyright infringement action against an unidentified defendant. The court authorizes a narrowly tailored Rule 45 subpoena to Lightning Source LLC for information identifying the account holder involved in uploading, printing, or distributing the allegedly infringed works. The court denies broader requests seeking merits-related information and discovery from unspecified third-party service providers, and imposes notice, objection, timing, and use restrictions.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
WRITING FOR THE COURT	Kimberly A. Swank
JURISDICTION	United States District Court for the Eastern District of North Carolina
DECIDED	April 10, 2026
DOCKET	No. 5:26-CV-88-BO-KS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to conduct discovery before the Rule 26(f) conference in order to identify an unknown alleged copyright infringer. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	The court applied its discretionary four-part reasonableness test for permitting discovery before the Rule 26(f) conference: procedural posture, narrow tailoring, irreparable harm from delay, and the likelihood that the information would be unavailable or destroyed absent early production.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court order
PARTIES	Baronius Press Ltd. v. John Doe, an individual or entity whose true name is presently unknown

TOPICS

discovery dispute copyright infringement civil procedure

PRACTICE AREAS

civil procedure copyright litigation early discovery third-party subpoenas

QUESTIONS PRESENTED

1. Whether the court should permit discovery before the parties' Rule 26(f) conference to identify an unknown alleged copyright infringer.
2. Whether Plaintiff's requested discovery was narrowly tailored to identifying the defendant or instead improperly sought merits-related information.
3. Whether Plaintiff could serve subpoenas on Lightning Source LLC and unspecified additional third-party service providers.

HOLDINGS

1. A court may exercise its discretion under Federal Rule of Civil Procedure 26(d)(1) to permit early discovery when application of the court's four-part reasonableness test supports altering the ordinary discovery sequence. Early discovery was appropriate here because Plaintiff could not proceed without identifying Defendant, delay threatened irreparable harm, and the requested identifying information might be destroyed or become unavailable.
2. Early discovery must be narrowly tailored to the permissible purpose of identifying the unknown defendant. Requests seeking the number of units printed or sold, royalties or compensation, and representations concerning ownership or public-domain status are merits-related and fall outside the permissible scope of early discovery.
3. A request for authorization to subpoena any other third-party service providers involved in producing or distributing the allegedly infringing works was overly broad and was denied because the court lacked sufficient information to conduct a meaningful reasonableness analysis.

KEY QUOTATIONS

"Such issues are not within the permissible scope of early discovery." (Discussion)

"Plaintiff's Motion for Leave to Conduct Early Discovery [DE #5] is GRANTED IN PART and DENIED IN PART" (Conclusion)

FACTUAL BACKGROUND

Baronius Press alleged that an unknown individual or entity infringed its copyrights by reproducing, distributing, and selling unauthorized editions of its literary works. The complaint alleged that the infringing copies were printed and manufactured through print-on-demand services operated by Lightning Source LLC. Plaintiff sought early discovery to identify the unknown defendant, determine the responsible account holder, and obtain information about the production and distribution of the works.

PROCEDURAL HISTORY

Baronius Press Ltd. filed a copyright-infringement action against an unidentified individual or entity, alleging unauthorized reproduction, distribution, and sale of copyrighted literary works. Before the Rule 26(f) conference, Plaintiff sought authorization to serve Rule 45 subpoenas on Lightning Source LLC and other third-party service providers to identify the defendant and obtain additional account and merits-related information. The court authorized narrowly tailored discovery from Lightning Source LLC limited to identifying the account holder and denied broader discovery requests.

DISPOSITION

other

CASES CITED

- W.E.? Prods., Inc. v. Does 1-16, No. 4:16-CV-279-FL, 2016 WL 7017268, at *1 (E.D.N.C. Dec. 1, 2016)
- Headhunter, LLC v. Does 1-8, No. 5:17-CV-318-BO, ECF No. 8 (E.D.N.C. Aug. 15, 2017)
- Strike 3 Holdings, LLC v. John Doe, No. 5:24-CV-241-BO, 2024 WL 2125606 (E.D.N.C. May 10, 2024)
- No. 5:25-CV-318-M-BM, 2025 WL 2394877 (E.D.N.C. Aug. 18, 2025)
- No. 5:15-CV-115-BR, 2015 WL 12600175, at *3 (E.D.N.C. June 30, 2015)