

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

**Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
162.234.254.79**

Strike 3 Holdings · No. 25-cv-06468-KAW · Decided August 25, 2025

OPINION

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 162.234.254.79

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 STRIKE 3 HOLDINGS, LLC, Case No. 25-cv-06468-KAW 8 Plaintiff, ORDER ON EX
PARTE MOTION FOR

LEAVE TO SERVE SUBPOENA PRIOR

9 v. TO RULE 26(f) CONFERENCE

10 JOHN DOE SUBSCRIBER ASSIGNED IP Re: Dkt. No. 8

ADDRESS 162.234.254.79,

11 Defendant. 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 finds that: 15 1. Plaintiff has established that good
cause exists for it to serve a third party subpoena on 16 AT&T Internet (“Initial ISP Provider”).
See UMG Recording, Inc. v. Doe, No. C 08-1193 SBA, 17 2008 WL 4104214, at *4 (N.D. Cal.
Sept. 3, 2008); Arista Records LLC v. Does 1–19, 551 F.
18 Supp. 2d 1, 6–7 (D.D.C. 2008).

19 2. Plaintiff may serve the Initial ISP Provider with a Rule 45 subpoena commanding it to 20
provide Plaintiff only with the true name and address of the Defendant to whom the Initial ISP 21
Provider assigned the IP address 162.234.254.79. Plaintiff shall attach a copy of this order to any
22 such subpoena. 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 the 25 Defendant (together with the Initial ISP Provider, 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, which provides 3 that
“[a] cable operator may disclose [personally identifying] information if the disclosure is . . . 4
made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such 5
order by the person to whom the order is directed.” 47 U.S.C. § 551(c)(2)(B). This order is an 6

order authorizing such disclosure. 7 5. IT IS FURTHER ORDERED that each ISP will have 30 days from the date of service 8 upon it to serve each of its subscriber(s) whose identifying information is sought with a copy of 9 the subpoena and a copy of this order. The ISPs may serve the subscribers using any reasonable 10 means, including written notice sent to the subscriber's last known address, transmitted either by 11 first-class mail or via overnight service. 12 6. IT IS FURTHER ORDERED that each subscriber and each ISP shall have 30 days 13 from the date of service upon him, her or it to file any motions in this court contesting the 14 subpoena (including a motion to quash or modify the subpoena). If the 30-day period lapses 15 without the subscriber contesting the subpoena, the ISP shall have 10 days to produce to Plaintiff 16 the information responsive to the subpoena with respect to that subscriber. 17 7. IT IS FURTHER ORDERED that any ISP that receives a subpoena shall preserve all 18 subpoenaed information pending the ISP's delivering such information to Plaintiff or the final 19 resolution of a timely filed motion to quash the subpoena with respect to such information. 20 8. IT IS FURTHER ORDERED that any information disclosed to Plaintiff in response to a 21 subpoena may be used by Plaintiff solely for the purpose of protecting its rights under the 22 Copyright Act, 17 U.S.C. § 101 et seq. 23 9. IT IS FURTHER ORDERED that any documents containing the name or other personal 24 identifying information of any current or proposed defendant shall be filed under seal. In so 25 doing, Strike 3 is instructed to follow the procedure set forth in Civil Local Rule 79-5 for all 26 documents that it seeks to file under seal. The redacted version of all documents in the public 27 record should redact only Defendant's name and any other personal identifying information. 1 may identify Defendant by name in the redacted portions of the sealed documents. 2 IT IS SO ORDERED. 3 ||

Dated: August 25, 2025

4 ANDIS A. WESTMORE

5 Unite# States Magistrate Judge 6 7 8 9 10 11 a 12 © 15 16 it Z 18 19 20 21 22 23 24 25 26 27
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