

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
76.126.171.21

Strike 3 Holdings · No. 2:25-cv-01264-TLN-CKD · Decided June 4, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Strike 3 Holdings, LLC’s ex parte application for expedited discovery to identify the subscriber associated with an allegedly infringing IP address. The order authorizes a narrowly limited subpoena seeking only the subscriber’s true name and address, while imposing notice, confidentiality, and conference procedures intended to protect privacy and permit a motion to quash. The court also prohibits formal service of process absent further order and requires a status report within 60 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 4, 2025
DOCKET	2:25-cv-01264-TLN-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte authorization under Federal Rule of Civil Procedure 26(d) to serve a third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference, in order to identify the Doe defendant. The court granted the application subject to privacy, notice, service, and disclosure safeguards.
STANDARD OF REVIEW	Good cause governs whether expedited discovery may be authorized before the Rule 26(f) conference. The court also considered the five factors identified in Arista Records, LLC v. Doe 3 for subpoenas seeking identification of anonymous defendants.

QUESTIONS PRESENTED

- Whether plaintiff showed good cause for expedited discovery before the Rule 26(f) conference.

2. Whether the court should authorize a subpoena to the internet service provider to identify the person or entity associated with the subject IP address.
3. What privacy, notice, confidentiality, and service safeguards were necessary before permitting the requested discovery.

HOLDINGS

1. A court may authorize expedited discovery before the Rule 26(f) conference when good cause exists, meaning the need for expedited discovery, considered in light of the administration of justice, outweighs prejudice to the responding party.
2. The court may authorize a narrowly tailored subpoena to an internet service provider seeking only the true name and address of the person or entity assigned the subject IP address when the plaintiff has made a prima facie showing of actionable harm, specified the requested discovery, shown the absence of alternative means, and established the information's need to advance the claim.
3. When expedited discovery may expose an anonymous person to privacy, embarrassment, reputational harm, or coercive settlement pressure, the court must impose safeguards rather than authorize unrestricted disclosure.

KEY QUOTATIONS

“Good cause exists ‘where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.’” (at 1)

“As such, “[e]stablishing that the person identified by discovery is the person who infringed upon the copyright will likely require additional proofs beyond the fact that the individual is listed as the subscriber on the account from which the infringing activity originated.”” (at 3)

“Thus, it is no more likely that the subscriber to an IP address carried out a particular computer function—here the purported illegal downloading of a single pornographic film—than to” (at 4)

FACTUAL BACKGROUND

Strike 3 alleged that the defendant anonymously downloaded and distributed its copyrighted adult films using the BitTorrent protocol. Plaintiff could identify the defendant only through the IP address assigned by an internet service provider and submitted a list of alleged downloads associated with that address. The court noted that an IP-address subscriber may not be the person who performed the alleged downloading and that disclosure of the identity in a pornography-related copyright case could cause embarrassment, reputational harm, or coercive settlement pressure.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unidentified subscriber associated with IP address 76.126.171.21. Because plaintiff could not identify or serve the defendant without information held by the internet service provider, it filed an ex parte application for expedited discovery. The magistrate judge

granted limited discovery and imposed conditions governing the subpoena, notice to the identified person or entity, service of process, confidentiality, status reporting, and a possible informal conference.

DISPOSITION

other

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