

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
73.189.80.20

No. 2:25-cv-01018-TLN-CKD (E.D. Cal. May 2, 2025) · No. 2:25-cv-01018-TLN-CKD · Decided May 2, 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 IP address 73.189.80.20 in a copyright infringement action. The order limits the subpoena to the subscriber’s name and address and imposes privacy protections, including notice to the identified person, restrictions on service and disclosure, and an opportunity to move to quash.

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	May 2, 2025
DOCKET	2:25-cv-01018-TLN-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to conduct expedited discovery before the Rule 26(f) conference by serving a subpoena on the internet service provider associated with the defendant's alleged IP address.
STANDARD OF REVIEW	Good cause governs a request for expedited discovery before the Rule 26(f) conference. The court weighs the need for expedited discovery, in light of the administration of justice, against prejudice to the responding party and considers the five factors identified in <i>Arista Records, LLC v. Doe 3</i> .
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- copyright infringement
- civil procedure
- service of process
- due process

PRACTICE AREAS

copyright

civil procedure

constitutional privacy

QUESTIONS PRESENTED

1. Whether plaintiff established good cause for expedited discovery before the Rule 26(f) conference.
2. Whether the court should permit a subpoena to the ISP to identify the person or entity associated with the subject IP address.
3. What safeguards were necessary to protect the potential defendant's privacy and opportunity to challenge the subpoena.

HOLDINGS

1. Plaintiff established good cause for limited expedited discovery because it presented a prima facie copyright claim, specifically identified the requested information, lacked an alternative means to identify the defendant, and needed the information to proceed with the action.
2. Expedited discovery could proceed only with safeguards addressing the potential defendant's reasonable expectation of privacy and the risk that the ISP subscriber may not be the actual infringer.

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 2)

“To simply issue an order for expedited discovery as requested here, raises a serious constitutional question of the IP address owner’s reasonable expectation of privacy.” (at 3)

“Establishing 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 4)

FACTUAL BACKGROUND

Strike 3 alleged that the Doe defendant used the BitTorrent protocol to download and distribute the plaintiff's copyrighted adult films. Plaintiff possessed an IP address and download information but could not identify the individual or entity using the address. The requested subpoena sought only the subscriber's true name and address from the ISP, although the court recognized that an IP-address subscriber may not be the person who performed the alleged downloading and that mistaken identification could cause embarrassment or reputational harm.

PROCEDURAL HISTORY

Plaintiff filed a copyright-infringement action against an unidentified Doe defendant on April 4, 2025. Because plaintiff could identify the defendant only by IP address, it moved for permission to subpoena the ISP before the parties' Rule 26(f) conference. The court granted the application subject to limitations protecting the potential defendant's privacy and preserving an opportunity to challenge the subpoena.

DISPOSITION

other

CASES CITED

- Semitool, Inc. v. Tokyo Electron America, Inc., 208 F.R.D. 273, 276 (N.D. Cal. 2002)
- UMG Recordings, Inc. v. Doe, 2008 WL 4104207, at *3 (N.D. Cal. Sept. 4, 2008)
- Arista Records, LLC v. Doe 3, 604 F.3d 110, 119 (2d Cir. 2010)
- Sony Music Entm't Inc. v. Does 1-40, 326 F. Supp. 2d 556, 564-65 (S.D.N.Y. 2004)
- Griswold v. Connecticut, 381 U.S. 479, 485 (1965)
- Soto v. City of Concord, 162 F.R.D. 603, 618 (N.D. Cal. 1995)
- In re BitTorrent Adult Film Copyright Infringement Cases, 296 F.R.D. 80, 84, 90 (E.D.N.Y. 2012)
- Manny Film LLC v. Doe Subscriber Assigned IP Address 50.166-88-98, 98 F. Supp. 3d 693, 695 (D.N.J. 2015)
- Malibu Media, LLC v. John Does 1-18, No. 12-7643(NLH/AMD), 2013 U.S. Dist. LEXIS 155911, at *8-9 (D.N.J. Mar. 22, 2013)