

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
98.36.104.107

Strike 3 Holdings · No. 2:25-cv-01024-TLN-CKD · Decided May 2, 2025

SUMMARY

The court grants Strike 3 Holdings, LLC’s ex parte application to conduct limited expedited discovery from the internet service provider associated with IP address 98.36.104.107. The order permits discovery limited to the true name and address of the subscriber, subject to privacy safeguards and restrictions on service and disclosure. The court also establishes procedures for notice, a possible informal conference, and status reporting.

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-01024-TLN-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a copyright infringement action against an unidentified defendant and moved ex parte for leave to serve a third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference.
STANDARD OF REVIEW	Good cause governs whether to authorize expedited discovery before the Rule 26(f) conference. The court also considered the five factors identified in Arista Records, LLC v. Doe 3 for evaluating an identity subpoena.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- discovery dispute
- copyright infringement
- civil procedure
- first amendment
- constitutional law

PRACTICE AREAS

Copyright

Civil Procedure

Privacy and Constitutional Law

QUESTIONS PRESENTED

1. Whether plaintiff established good cause to obtain expedited discovery before the parties' Rule 26(f) conference.
2. Whether the court should authorize a third-party subpoena to the ISP for the name and address associated with the subject IP address.
3. What privacy and procedural safeguards were necessary before allowing discovery identifying the Doe defendant.

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 authorized plaintiff to serve the ISP with a limited subpoena seeking only the true name and address of the person or entity to whom the subject IP address was assigned.
3. Expedited identity discovery required safeguards addressing the potential defendant's privacy interests, including notice, an opportunity to move to quash, restrictions on formal service, and continued anonymity absent further court authorization.

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.’” (Opinion at 2)

“An IP address provides only the location at which one of any number of computer devices may be deployed, much like a telephone number can be used for any number of telephones.” (Opinion at 3)

“Plaintiff may engage in limited expedited discovery to establish the identity of the owner of the IP address identified in the complaint by serving a subpoena on the ISP provider of the subject IP address.” (Conclusion ¶ 2)

FACTUAL BACKGROUND

Plaintiff alleged that it owns copyrights in various adult films and that an anonymous person using IP address 98.36.104.107 downloaded and distributed those films through BitTorrent. Plaintiff could identify the alleged infringer only by the IP address and therefore sought the subscriber's true name and address from the ISP. The court recognized that the subscriber might not be the person who used a device connected through the IP address and that mistaken identification could cause embarrassment, reputational harm, or coercive settlement pressure.

PROCEDURAL HISTORY

Strike 3 Holdings filed the action on April 4, 2025, alleging that the anonymous defendant used BitTorrent to download and distribute copyrighted films. Because plaintiff knew the defendant only through an IP address, it sought expedited discovery from the ISP to learn the subscriber's identity. The court granted the application subject to limits designed to protect the potential defendant's privacy and preserve an opportunity to challenge the subpoena.

DISPOSITION

other

CASES CITED

- *Semitoool, 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 Entertainment 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)