

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
98.208.36.125

No. 2:25-cv-00700-TLN-CKD (E.D. Cal. Apr. 3, 2025) · No. No. 2:25-cv-00700-TLN-CKD · Decided April 3,
2025

SUMMARY

The court grants Strike 3 Holdings, LLC’s ex parte application to serve a third-party subpoena on the internet service provider associated with the identified IP address before the Rule 26(f) conference. The order limits discovery to the true name and address of the subscriber, imposes notice and confidentiality protections, and provides an opportunity for the potential defendant to challenge the subpoena. The court also establishes reporting and informal-conference procedures before formal service of process.

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	April 3, 2025
DOCKET	No. 2:25-cv-00700-TLN-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte permission to conduct expedited discovery and serve a third-party subpoena on the defendant’s internet service provider before the Rule 26(f) conference to identify an unnamed defendant.
STANDARD OF REVIEW	Good cause standard for expedited discovery under Federal Rule of Civil Procedure 26(d); the court also considered the five-factor framework for subpoenas seeking identification of anonymous defendants.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

discovery dispute

copyright infringement

service of process

civil procedure

constitutional law

PRACTICE AREAS

civil procedure

copyright litigation

anonymous-defendant discovery

constitutional privacy

QUESTIONS PRESENTED

1. Whether plaintiff established good cause to obtain expedited discovery before the Rule 26(f) conference.
2. Whether the court should authorize a subpoena to the ISP to identify the person or entity associated with the subject IP address.
3. What privacy and procedural safeguards should govern the expedited discovery and disclosure of the potential defendant's identity.

HOLDINGS

1. The 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 granted plaintiff's ex parte application and authorized a subpoena to the ISP seeking only the true name and address of the person or entity to whom the subject IP address was assigned.
3. Expedited discovery could proceed only with safeguards addressing the potential defendant's privacy and the risk of mistaken identification, including notice, an opportunity to move to quash, confidentiality restrictions, and limits on formal service.

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 Holdings alleged that an unidentified person used IP address 98.208.36.125 to download and distribute copyrighted adult films through BitTorrent. Because plaintiff could identify the alleged infringer only through the IP address, it sought a subpoena to the associated internet service provider for the subscriber's true name and address. The court noted that an IP-address subscriber may not be the person who performed the alleged downloading and that mistaken identification could cause embarrassment, reputational harm, or coercive settlement pressure.

PROCEDURAL HISTORY

Plaintiff filed a copyright infringement action on February 27, 2025, identifying the defendant only by an IP address. Plaintiff then filed an ex parte application for leave to serve an ISP subpoena before the Rule 26(f) conference. The court granted the application subject to limited discovery, notice, privacy protections, and restrictions on service and disclosure.

DISPOSITION

other

CASES CITED

- *Semitool, Inc. v. Tokyo Electron America*, 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)