

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Strike 3 Holdings, LLC v. John Doe

Strike 3 Holdings · No. 2:26-cv-80-SPC-NPM · Decided February 2, 2026

SUMMARY

The United States District Court for the Middle District of Florida grants Strike 3 Holdings, LLC’s motion for leave to serve a third-party subpoena seeking to identify an unnamed defendant accused of copyright infringement through BitTorrent. The order authorizes limited expedited discovery and establishes notice, challenge, confidentiality, preservation, and communication safeguards for the internet subscriber.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	February 2, 2026
DOCKET	2:26-cv-80-SPC-NPM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve a third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference in order to identify the unnamed defendant.
STANDARD OF REVIEW	The court evaluated whether plaintiff demonstrated good cause for expedited discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- third party practice
- copyright infringement
- civil procedure

PRACTICE AREAS

- Civil procedure
- Copyright

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated good cause to obtain expedited discovery before the Rule 26(f) conference.
2. Whether the requested subpoena and limited discovery should be authorized subject to safeguards protecting a potentially misidentified ISP subscriber.

HOLDINGS

1. A plaintiff alleging internet-based copyright infringement may obtain limited pre-discovery identifying information from an internet service provider upon a showing of good cause, and Strike 3 demonstrated good cause here.
2. Limited identifying discovery was authorized subject to safeguards requiring notice to the subscriber, an opportunity to move to quash, delayed disclosure during any challenge, preservation of information, restricted use, and specified communications procedures.

KEY QUOTATIONS

“In cases involving infringement via the internet, courts often evaluate good cause by considering factors such as the concreteness of the plaintiffs prima facie case of infringement; the specificity of the discovery request; the absence of alternative means to obtain the subpoenaed information; and the need for the subpoenaed information to advance the claim.”

“The ISP subscriber at a given IP address may not be the same individual who engaged in the infringing activity.”

FACTUAL BACKGROUND

Strike 3 Holdings alleged that it owns copyrights in several adult films and that John Doe copied and distributed those films without permission through BitTorrent. Because Doe's identity was unknown, Strike 3 sought Doe's name and address from the internet service provider assigned the relevant IP address so that it could effect service of process. The court recognized that the subscriber associated with the IP address might not be the individual who committed the alleged infringement.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unnamed John Doe defendant and then moved for leave to serve a pre-discovery subpoena on Comcast Cable Communications, LLC. The court granted the motion and authorized limited expedited discovery subject to procedural safeguards protecting the subscriber's ability to challenge the subpoena and limiting use of the disclosed information.

DISPOSITION

other

CASES CITED

- Richardson v. Virtuoso Sourcing Grp., L.L.C., No. 8:15-cv-2198-T-17JSS, 2015 WL 12862517, *1 (M.D. Fla. Oct. 27, 2015)
- Manny Film LLC v. Doe, No. 8:15-cv-507-T-36EAJ, 2015 WL 12850566, *1 (M.D. Fla. May 18, 2015)
- Malibu Media, LLC v. Doe, No. 8:15-cv-2314-T-17TBM, 2015 WL 12856086, *1 (M.D. Fla. Nov. 6, 2015)

OPINION

Doe

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

STRIKE 3 HOLDINGS, LLC,

Plaintiff, v. 2:26-cv-80-SPC-NPM

JOHN DOE,

Defendant.

ORDER

Before the court is plaintiff Strike 3 Holdings, LLC's motion for leave to serve a third-party subpoena. (Doc. 7). For the reasons below, the motion is granted. I. Background Strike 3 Holdings alleges copyright infringement against John Doe, an unnamed defendant, for unlawfully reproducing and distributing its adult films. (Doc. 1). Strike 3 now moves for leave to serve a pre-discovery subpoena on Doe's internet service provider (ISP), Comcast Cable Communications, LLC, to learn Doe's identity. (Doc. 7). II. Discussion The Federal Rules of Civil Procedure generally preclude a party from pursuing discovery before the Rule 26(f) conference. Fed. R. Civ. P. 26(d)(1). But, as usual, there are exceptions. Relevant here, a party may pursue expedited discovery by showing "good cause." See Richardson v. Virtuoso Sourcing Grp., L.L.C., No. 8:15-cv-2198-T-17JSS, 2015 WL 12862517, *1 (M.D. Fla. Oct. 27, 2015). "In cases involving infringement via the internet, courts often evaluate good cause by considering factors such as the concreteness of the plaintiffs prima facie case of infringement; the specificity of the discovery request; the absence of alternative means to obtain the subpoenaed information; and the need for the subpoenaed information to advance the claim." Manny Film LLC v. Doe, No. 8:15-cv-507-T-36EAJ, 2015 WL 12850566, *1 (M.D. Fla. May 18, 2015). Strike 3 has shown good cause for expedited discovery. First, Strike 3 alleges a prima facie case of infringement. The complaint says that Strike 3 holds copyrights for several adult films that have been copied and distributed by Doe without permission through a BitTorrent program. (Doc. 1). Next, Strike 3 has identified the specific information sought through the requested discovery—Doe's name and address—so that it may effectuate service of process. Finally, Strike 3 has shown it has no way to identify Doe without seeking his or her name from the ISP, here Comcast Cable Communications, LLC. (Doc. 7). Courts have frequently concluded there is good cause for limited, early discovery in such cases.

And there is no reason the same result should not follow here. See, e.g., *Malibu Media, LLC v. Doe*, No. 8:15-cv-2314-T-17TBM, 2015 WL 12856086, *1 (M.D. Fla. Nov. 6, 2015). One last item. The ISP subscriber at a given IP address may not be the same individual who engaged in the infringing activity. The court thus finds it appropriate to enter the procedural safeguards below to address concerns about identifying the wrong individual and subsequent undue embarrassment. It is thus ORDERED:

1. Strike 3's motion for leave to serve third-party subpoena (Doc. 7) is granted;
2. Strike 3 is permitted limited discovery to serve a subpoena to determine the name and address of the Doe defendant to whom the internet service provider assigned the relevant IP address or any other service provider that is later identified in response to this initial subpoena;
3. Strike 3 must attach a copy of this order to the subpoena, and if the internet service provider qualifies as a "cable operator" as defined in 47 U.S.C. § 522(5), then this order must be considered an appropriate court order under 47 U.S.C. § 551;
4. Any internet service provider that receives a subpoena pursuant to this order must not assess any charge to Strike 3 in advance of providing the information requested. However, an internet service provider may elect to charge a reasonable amount for the costs of production;
5. Any information disclosed to Strike 3 in response to a subpoena may be used solely for the purposes of protecting and enforcing Strike 3's rights as set forth in its complaint;
6. Any internet service provider that receives a subpoena pursuant to this order shall provide written notice to the subscriber within twenty-one days of service, informing the subscriber that identifying information has been sought pursuant to a Rule 45 subpoena and that the subscriber has the right to challenge the subpoena in court. The internet service provider shall additionally provide a copy of this order with the written notification;
7. The subscriber shall have fourteen days from the date of the written notification to move to quash or otherwise challenge Strike 3's subpoena. The subscriber must serve a copy of his or her motion upon both Strike 3's counsel and the internet service provider;
8. The internet service provider shall produce the subpoenaed information to Strike 3 no earlier than twenty-one days after written notification has been provided to the subscriber. If, however, the subscriber moves to quash or otherwise challenges the subpoena, the internet service provider shall not disclose the subpoenaed information to Strike 3 until the court has resolved the subscriber's challenge;
9. Any internet service provider that receives a subpoena pursuant to this order shall preserve all subpoenaed information until either the internet service provider has delivered such information to Strike 3, or the court renders a final determination that excuses the

internet service provider's compliance with the subpoena;

10. Strike 3 must also adhere to the following procedures:

i. In all written or oral communications with the Doe defendant, Strike 3's attorney(s) must identify themselves as representing Strike 3 and must inform him or her that any statements made may be used against him or her; il. If the Doe defendant contacts Strike 3, Strike 3 must inform the Doe defendant of his or her right to hire legal counsel; lil. At any time, the Doe defendant may inform Strike 3 by phone or written communication that he or she does not want to communicate further with Strike 3 until service is perfected;

11. Strike 3 must notify the Doe defendant, or, if represented, his or her counsel, in writing of Strike 3's intent to name and serve the Doe defendant at least fourteen days before seeking issuance of a summons. ORDERED on February 2, 2026 United States Magistrate Judge _5-