

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Strike 3 Holdings, LLC v. John Doe

Strike 3 Holdings · No. 2:25-cv-1351 · Decided January 9, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Strike 3 Holdings, LLC leave to serve a Rule 45 subpoena on the Internet Service Provider before the Rule 26(f) conference to identify an allegedly infringing subscriber. The Court also issues a protective order allowing the defendant to proceed anonymously for a limited period and sets notice, preservation, and motion-to-quash procedures.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Timothy S. Black
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	January 9, 2026
DOCKET	2:25-cv-1351
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve a third-party subpoena on the Internet service provider before the Rule 26(f) conference and for related protections concerning the anonymous defendant.
STANDARD OF REVIEW	Good-cause standard for expedited discovery under Federal Rule of Civil Procedure 26(d)(1); reasonableness standard for protective orders under Rule 26(c).
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- copyright infringement
- copyright law
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated good cause to obtain expedited third-party discovery before the Rule 26(f) conference.
2. What limits and notice requirements should govern the Rule 45 subpoena to the Internet service provider.
3. Whether Defendant should be permitted to proceed anonymously under a protective order while the subpoena discovery proceeds.

HOLDINGS

1. Plaintiff demonstrated good cause for early discovery because it alleged direct copyright infringement, sought narrowly tailored information to identify the alleged infringer, and showed that the information was necessary and otherwise unavailable.
2. Plaintiff may serve a Rule 45 subpoena on the ISP associated with the identified IP address to obtain Defendant's full name and residential address, but may not seek Defendant's email addresses or telephone numbers and may use the disclosed information only to protect and enforce the rights alleged in the complaint.
3. Defendant may proceed anonymously for a limited time while discovery determines whether Defendant is the individual connected to the IP address identified in Plaintiff's subpoena.

KEY QUOTATIONS

“Generally, a party “may not seek discovery from any source before the parties have conferred as required by Rule 26(f),” but the Federal Rules allow early discovery “when authorized . . . by court order.””

“Further, considering the sensitive and personal nature of Plaintiff’s allegations, the risk of false positives when identifying ISP subscribers, and the public’s common law right of access to court proceedings, the Court finds that permitting Defendant to proceed anonymously for a limited time is reasonable.”

FACTUAL BACKGROUND

Plaintiff alleged that Defendant directly infringed its copyright and sought discovery from the Internet service provider associated with Defendant's IP address. Plaintiff represented that the requested information was necessary to identify the alleged infringer, narrowly tailored, and otherwise unavailable. The court also considered the sensitive nature of the allegations, the risk of false-positive subscriber identification, and the public's common-law right of access to court proceedings.

PROCEDURAL HISTORY

Strike 3 Holdings, LLC filed a copyright-infringement action against an unidentified subscriber associated with a specified IP address. Before the Rule 26(f) conference, Plaintiff moved for leave to conduct expedited third-

party discovery to identify the defendant. The court granted the motion and issued a protective order permitting the defendant to proceed anonymously for a limited time.

DISPOSITION

other

CASES CITED

- Malibu Media, LLC v. Doe, No. 2:15-CV-1202, 2015 WL 12732859, at *1 (S.D. Ohio Apr. 13, 2015)
- Strike 3 Holdings, LLC v. Doe, No. 19-10720, 2019 WL 2523591, at *1 (E.D. Mich. June 19, 2019)

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