

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Strike 3 Holdings, LLC v. John Doe

Strike 3 · No. 1:26-cv-10780-JEK · Decided March 2, 2026

SUMMARY

The United States District Court for the District of Massachusetts grants Strike 3 Holdings, LLC leave to serve Comcast Cable Communications, LLC with a Rule 45 subpoena before the Rule 26(f) conference to identify the subscriber associated with a specified IP address. The order limits the subpoena to the subscriber’s name and address and establishes notice, objection, production, and use restrictions.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Julia E. Kobick
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 2, 2026
DOCKET	1:26-cv-10780-JEK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 26(d)(1) for leave to serve a subpoena under Rule 45 on the defendant's internet service provider before the Rule 26(f) conference, seeking the unknown defendant's name and address.
STANDARD OF REVIEW	The court evaluated whether good cause existed for discovery before the Rule 26(f) conference by weighing five factors: a prima facie showing of actionable harm, specificity of the request, absence of alternative means, central need for the information, and the defendant's expectation of privacy. The court also concluded that the discovery satisfied Rule 26(b)(1)'s relevance and proportionality requirements.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; precedential status unknown

TOPICS

- discovery dispute
- third party practice
- service of process
- copyright infringement
- civil procedure

PRACTICE AREAS

civil procedure

copyright law

discovery

QUESTIONS PRESENTED

1. Whether the plaintiff established good cause under Federal Rule of Civil Procedure 26(d)(1) to obtain early third-party discovery before the Rule 26(f) conference.
2. Whether the requested subpoena to Comcast was sufficiently specific, relevant, and proportional to the needs of the action.
3. Whether the defendant's privacy interest in the subscriber information outweighed the plaintiff's need to identify and serve the defendant.

HOLDINGS

1. Early discovery was warranted under Rule 26(d)(1) because the plaintiff demonstrated good cause by satisfying the applicable five-factor test.
2. The subpoena was sufficiently specific, relevant, and proportional because it was limited to the subscriber's true name and address, information necessary to identify and serve the defendant.
3. The subpoena could issue, but it had to be accompanied by procedures protecting the subscriber's ability to receive notice and move to quash or contest the subpoena.

KEY QUOTATIONS

“Balancing these five factors, the Court concludes that early third-party discovery under Rule 26(d)(1) is warranted.” (Discussion)

“Strike 3 may immediately serve a third-party subpoena, pursuant to Federal Rule of Civil Procedure 45, upon Comcast Cable Communications, LLC, requiring that it disclose only the name and address of the subscriber associated with IP address 71.233.188.92.” (Conclusion and Order)

“The subscriber will have 30 days from the date that the subpoena is served upon them to file any motion with this Court to quash or contest the subpoena, including any request to litigate the subpoena anonymously.” (Conclusion and Order)

FACTUAL BACKGROUND

Strike 3 owns registered copyrights in adult films and alleged that an unidentified subscriber associated with IP address 71.233.188.92 downloaded and distributed 41 films through BitTorrent. Strike 3 used detection software and geolocation technology to identify the IP address and locate the subscriber in Massachusetts. Comcast, the subscriber's internet service provider, allegedly possessed the subscriber's name and mailing address, which Strike 3 needed to identify and serve the defendant.

PROCEDURAL HISTORY

Strike 3 filed a copyright infringement action against an unidentified John Doe defendant and moved for early third-party discovery from Comcast Cable Communications, LLC. The district court granted the motion subject

to notice, an opportunity to move to quash or contest the subpoena, a prohibition on disclosure during the contest period, and limits on use of the disclosed information.

DISPOSITION

other

CASES CITED

- Strike 3 Holdings, LLC v. Doe, No. 24-cv-11654-AK, 2024 WL 3472404, at *2 (D. Mass. July 19, 2024)
- Strike 3 Holdings, Inc. v. Doe, 677 F. Supp. 3d 1, 4-7 (D. Mass. 2023)
- Sony Music Entm't Inc. v. Does 1-40, 326 F. Supp. 2d 556, 564-65 (S.D.N.Y. 2004)
- Perea v. Editorial Cultural, Inc., 13 F.4th 43, 52 (1st Cir. 2021)
- Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340, 361 (1991)
- Strike 3 Holdings, LLC v. Doe, No. 23-cv-11716-GAO, 2023 WL 5485794, at *1 (D. Mass. Aug. 18, 2023)
- Strike 3 Holdings, LLC v. Doe, 964 F.3d 1203, 1205-09 & n.2 (D.C. Cir. 2020)
- Viken Detection Corp. v. Doe, No. 19-cv-12034-NMG, 2019 WL 5268725, at *1 (D. Mass. Oct. 17, 2019)

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