

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
73.12.248.23

Strike 3 Holdings · No. 2:25-cv-02579-JAM-CKD · Decided October 22, 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 IP address 73.12.248.23 before the Rule 26(f) conference. The order limits discovery to the true name and address of the subscriber and imposes privacy safeguards, including notice to the identified person, restrictions on formal service, and confidentiality requirements. The court also provides for a voluntary informal conference and requires a status report within 60 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 22, 2025
DOCKET	2:25-cv-02579-JAM-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave under Federal Rules of Civil Procedure 26(d) and 26(f) to serve a third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference in order to identify an anonymous copyright-infringement defendant.
STANDARD OF REVIEW	Good cause governs requests for expedited discovery before the Rule 26(f) conference. Good cause exists when the need for expedited discovery, considered in light of the administration of justice, outweighs prejudice to the responding party. The court also considered the five factors identified in Arista Records, LLC v. Doe 3.

QUESTIONS PRESENTED

- Whether the court should authorize expedited discovery before the Rule 26(f) conference to identify an anonymous copyright defendant.

2. Whether expedited discovery should be limited and accompanied by privacy and notice safeguards because an IP address does not necessarily identify the alleged infringer.

HOLDINGS

1. A court may authorize limited expedited discovery before the Rule 26(f) conference when good cause exists, meaning that the need for expedited discovery in light of the administration of justice outweighs prejudice to the responding party.
2. Expedited discovery to identify an anonymous copyright defendant should be limited to the subscriber's true name and address and accompanied by safeguards protecting the potential defendant's ability to challenge the subpoena and preventing premature disclosure of the defendant's identity.

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 1)

“Thus, it is no more likely that the subscriber to” (at 3)

FACTUAL BACKGROUND

Strike 3 alleged that it owns copyrights in various adult films and that an unknown person used the BitTorrent protocol to download and distribute the films. The alleged activity was associated with IP address 73.12.248.23, but plaintiff could identify the defendant only through that address. Plaintiff sought the subscriber's true name and address from the internet service provider, while the court recognized that an IP subscriber may not be the person who committed the alleged infringement and that disclosure could cause embarrassment or reputational harm.

PROCEDURAL HISTORY

Strike 3 Holdings filed the copyright action on September 8, 2025, naming an unidentified defendant associated with an IP address. Before the defendant appeared or a Rule 26(f) conference occurred, plaintiff filed an ex parte application for expedited discovery. The court granted the application subject to limited discovery, notice, confidentiality, and procedures allowing the potential defendant to challenge the subpoena.

DISPOSITION

other