

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
73.223.25.88

No. 2:25-cv-01020-TLN-CKD (E.D. Cal. May 2, 2025) · No. 2:25-cv-01020-TLN-CKD · Decided May 2, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Strike 3 Holdings, LLC’s ex parte application to serve a third-party subpoena before the Rule 26(f) conference. The order authorizes limited expedited discovery from the internet service provider to obtain only the name and address associated with the specified IP address, subject to privacy protections and restrictions on service and disclosure. The court also establishes procedures for notice, a possible informal conference, and a status report.

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	May 2, 2025
DOCKET	2:25-cv-01020-TLN-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to conduct expedited discovery before the Rule 26(f) conference by serving a subpoena on the defendant's internet service provider to identify the anonymous defendant.
STANDARD OF REVIEW	The court applied the Ninth Circuit's good-cause standard for expedited discovery: whether the need for expedited discovery, considering the administration of justice, outweighs prejudice to the responding party. The court also considered the five-factor framework from Arista Records, LLC v. Doe 3 for subpoenas seeking identification of anonymous internet users.

QUESTIONS PRESENTED

- Whether good cause existed to permit expedited discovery before the Rule 26(f) conference.

2. Whether plaintiff could serve a third-party subpoena on the ISP to obtain the true name and address associated with the subject IP address.
3. What privacy and procedural safeguards were necessary before permitting the subpoena and disclosure of the potential defendant's identity.

HOLDINGS

1. Good cause existed to permit limited expedited discovery because plaintiff presented a prima facie copyright claim, narrowly identified the information sought, lacked an alternative means to identify the defendant, and could not proceed without the information.
2. Plaintiff could serve the ISP with a subpoena seeking only the true name and address of the person or entity to whom IP address 73.223.25.88 was assigned.
3. The subpoena and subsequent proceedings required privacy and procedural safeguards, including notice to the identified person, an opportunity to move to quash, no formal service absent further court order, confidentiality of the identity, and an opportunity for an informal conference.

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 an IP address carried out a particular computer function—here the purported illegal downloading of a single pornographic film—than to” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that it owns copyrights in various adult films and that an unidentified person using IP address 73.223.25.88 downloaded and distributed the films through BitTorrent. Plaintiff could identify the alleged infringer only through the IP address and asserted that it could not serve or pursue the action without learning the subscriber's true name and address. The court noted that an IP subscriber may not be the person who used a particular device or downloaded the allegedly infringing material, and that misidentification in this context could cause embarrassment, reputational harm, or settlement pressure.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unidentified subscriber associated with IP address 73.223.25.88. Because plaintiff could not identify or serve the defendant, it applied for expedited discovery and permission to subpoena the ISP before the Rule 26(f) conference. The court granted the application subject to limitations protecting the potential defendant's privacy and preserving an opportunity to challenge the subpoena.

DISPOSITION

other

