

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 108.6.48.213

Strike 3 Holdings · No. 25-cv-06439-RER-JRC · Decided December 15, 2025

SUMMARY

The court grants Strike 3 Holdings, LLC permission to conduct expedited discovery before the Rule 26(f) conference by serving a Rule 45 subpoena on Verizon Fios to identify the subscriber associated with the specified IP address. The order imposes protective measures, including notice to the subscriber, a 60-day period to challenge the subpoena, limits on disclosure and use of identifying information, and restrictions on pre-service settlement contact.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	James R. Cho
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 15, 2025
DOCKET	25-cv-06439-RER-JRC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 26(d)(1) for leave to conduct expedited discovery before the Rule 26(f) conference by serving a Rule 45 subpoena on the defendant's internet service provider to identify the Doe defendant.
STANDARD OF REVIEW	Good-cause standard for expedited discovery before a Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- copyright infringement
- service of process
- civil procedure

PRACTICE AREAS

- copyright
- civil procedure
- discovery

QUESTIONS PRESENTED

1. Whether Plaintiff showed good cause to obtain expedited discovery before the Rule 26(f) conference.
2. What protective measures were necessary to protect a potentially innocent subscriber and regulate the Rule 45 subpoena process.

HOLDINGS

1. Good cause existed to permit Plaintiff to serve a Rule 45 subpoena on the internet service provider before the Rule 26(f) conference because the discovery was reasonably likely to identify a defendant who could be served and sued in federal court.
2. Expedited discovery was authorized only subject to protective measures requiring limited disclosure, notice to the subscriber, a period to challenge the subpoena or proceed anonymously, restrictions on Plaintiff's use and contact with the subscriber, and continued litigation under the John Doe designation unless otherwise ordered.

KEY QUOTATIONS

"The discovery request here is reasonably likely to "lead to identifying information that would make possible service upon particular defendants who could be sued in federal court.""

"However, it is also likely that a subscriber identified as associated with the allegedly infringing IP address may not, in fact, be the alleged infringer described in Plaintiff's Complaint."

FACTUAL BACKGROUND

Plaintiff alleged that an unidentified defendant unlawfully downloaded and distributed unauthorized copies of Plaintiff's copyrighted materials online. The only identifying information available was IP address 108.6.48.213, which was associated with an internet service provider. The court recognized that the subscriber linked to the IP address might not be the actual infringer and could instead be a family member, employee, invitee, neighbor, or interloper.

PROCEDURAL HISTORY

Strike 3 Holdings commenced a copyright-infringement action against an unidentified defendant associated with IP address 108.6.48.213. Before the Rule 26(f) conference and before service on the Doe defendant, Plaintiff sought permission to subpoena Verizon Fios for the subscriber's name and address. The court granted the motion for expedited discovery subject to notice, confidentiality, time limits, and other protective conditions.

DISPOSITION

other

CASES CITED

- Sony Music Ent. Inc. v. Does 1-40, 326 F. Supp. 2d 556, 566 (S.D.N.Y. 2004)
- In re BitTorrent Adult Film Copyright Infringement Cases, 296 F.R.D. 80, 85 (E.D.N.Y. 2012)

- Patrick Collins, Inc. v. Doe 1, 288 F.R.D. 233, 237-38 (E.D.N.Y. 2012)
- In re BitTorrent, 296 F.R.D. 80, 89-90, 93 (E.D.N.Y. 2012)
- Strike 3 Holdings, LLC v. Doe, No. 21-CV-1553, 2021 WL 1812633 (E.D.N.Y. May 6, 2021)
- Strike 3 Holdings, LLC v. Doe, No. 20-CV-4501, 2021 WL 535218 (E.D.N.Y. Feb. 12, 2021)
- Strike 3 Holdings, LLC v. Doe, No. 19-CV-945, 2019 WL 4752094 (E.D.N.Y. Sept. 30, 2019)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----

----- x STRIKE 3 HOLDINGS, LLC,: Plaintiff,: ORDER -
 against-: No. 25-cv-06439-RER-JRC JOHN DOE subscriber assigned IP address: 108.6.48.213,:
 Defendant.: ----- x JAMES R. CHO, United
 States Magistrate Judge: Plaintiff Strike 3 Holdings, LLC (“Plaintiff”) commenced this
 infringement action under the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq. (the “Copyright
 Act”), against an unidentified Doe Defendant (“Doe Defendant”), who is charged with unlawfully
 downloading and distributing unauthorized copies of Plaintiff’s copyrighted materials online.

See generally Compl. (Dkt. 1). The Doe Defendant has as yet only been identified by Internet
 Protocol address 108.6.48.213 (“IP address”). See *id.* Currently pending before this Court is a
 motion for expedited discovery under Federal Rule of Civil Procedure 26(d)(1), seeking
 permission to serve a subpoena upon Verizon Fios, the Doe Defendant’s Internet Service Provider
 (“ISP”), to obtain the true identity of the Doe Defendant.

See Pl. Mot. (Dkt. 7). For the reasons set forth below, this Court grants Plaintiff’s motion for leave
 to take discovery prior to holding a Rule 26(f) conference, subject to the protective measures set
 forth herein.

The discovery request here is reasonably likely to “lead to identifying information that would
 make possible service upon particular defendants who could be sued in federal court.” *Sony Music
 Ent. Inc. v. Does 1-40*, 326 F. Supp. 2d 556, 566 (S.D.N.Y. 2004) (citation omitted).

However, it is also likely that a subscriber identified as associated with the allegedly infringing IP
 address may not, in fact, be the alleged infringer described in Plaintiff’s Complaint. The alleged
 infringer could be “a member of [the subscriber’s] family, an employee, invitee, neighbor or
 interloper.” See *In re BitTorrent Adult Film Copyright Infringement Cases*, 296 F.R.D.

80, 85 (E.D.N.Y. 2012); *Patrick Collins, Inc. v. Doe 1*, 288 F.R.D. 233, 237-38 (E.D.N.Y. 2012). In
 light of this potential risk and the sensitive nature of the allegations, special measures are
 necessary to protect the reputation of a possibly innocent subscriber from being incorrectly
 identified as the Doe Defendant, and to minimize Plaintiff’s incentive to engage in abusive
 litigation practices.

See, e.g., *In re BitTorrent*, 296 F.R.D. at 89-90, 93. Courts in this District have approved similar motions filed by Plaintiff. See, e.g., *Strike 3 Holdings, LLC v. Doe*, No. 21-CV-1553, 2021 WL 1812633 (E.D.N.Y. May 6, 2021); *Strike 3 Holdings, LLC v. Doe*, No. 20-CV-4501, 2021 WL 535218 (E.D.N.Y. Feb. 12, 2021); *Strike 3 Holdings, LLC v. Doe*, No. 19-CV-945, 2019 WL 4752094 (E.D.N.Y.

Sept. 30, 2019). For the reasons articulated in those cases, and in light of the materially indistinguishable allegations, motion, and documentary evidence presented here, the Court concludes that good cause exists to allow for the expedited discovery and grants Plaintiff's motion for leave to serve a Rule 45 subpoena on the ISP to obtain the Doe Defendant's name and address, subject to the protective measures herein.

Accordingly: IT IS ORDERED that Plaintiff may serve a subpoena in compliance with Fed. R. Civ. P. 45 (the "Subpoena") on the ISP specifically identified in the Complaint in the above-captioned matter to obtain only the name and address of the internet subscriber associated with the IP address also identified in the Complaint.

Under no circumstances is Plaintiff permitted to seek or obtain Doe Defendant's phone number or email address, or to seek or obtain information about potential defendants other than the Doe Defendant whose IP address is specifically identified in the Complaint, without a further Court order.

The Subpoena must include a copy of the Complaint and this Order; and IT IS FURTHER ORDERED that, upon receiving the Subpoena, the ISP shall use reasonable efforts to identify the internet subscriber associated with the referenced IP address, but shall not immediately disclose such information to Plaintiff. Rather, within 60 days of receiving the Subpoena, the ISP shall serve a copy thereof, together with a copy of the Complaint and this Order, upon the subscriber it determines to be associated with the implicated IP address.

This measure is appropriate to place the subscriber on fair notice of Plaintiff's efforts to obtain his or her identifying information, and his or her right to contest the Subpoena or litigate it anonymously. In this regard, service by the ISP upon the Doe Defendant may be made using any reasonable means, including written notice sent to his or her last known address, transmitted either by first-class or overnight delivery service; and IT IS FURTHER ORDERED that the ISP shall notify Plaintiff within 10 days of mailing the documents to the subscriber associated with the IP address at issue that it has done so, but the ISP may not disclose Doe Defendant's identifying information to Plaintiff in that notice.

Within 10 days of receiving such notice from the ISP, Plaintiff must file a status report notifying the Court that the Doe Defendant has been served these documents; and IT IS FURTHER ORDERED that the Doe Defendant who receives a copy of the Subpoena, Complaint, and this

Order will have a period of 60 days to file any motions with this Court contesting the Subpoena (including a motion to quash or modify the Subpoena), as well as any request to litigate the Subpoena anonymously.

The ISP may not disclose Doe Defendant's identifying information to Plaintiff, or its employees or agents, at any time before the expiration of the 60-day period. In the event the Doe Defendant files a motion to quash or modify the Subpoena, or to proceed anonymously, he or she shall at the same time as his or her filing also notify the ISP so that the ISP is on notice.

The ISP may not release the Doe Defendant's information to Plaintiff, or its employees or agents, until the issues set forth in the motion have been addressed and the Court issues an Order instructing the ISP to turn over the requested discovery; and IT IS FURTHER ORDERED that if the 60-day period within which the Doe Defendant may contest or otherwise move with respect to the Subpoena lapses without such action, the ISP will have a period of 10 days to produce the information responsive to the Subpoena to Plaintiff or file its own motion to quash, if it so chooses; and IT IS FURTHER ORDERED that the ISP receiving the Subpoena shall confer with Plaintiff and shall not assess any charge in advance of providing the information requested therein.

If an ISP elects to charge for the costs of production, it shall provide a billing summary and cost report to Plaintiff; and IT IS FURTHER ORDERED that any information ultimately disclosed to Plaintiff in response to the Subpoena may be used by Plaintiff solely for the purpose of protecting its rights as set forth in the Complaint and only for this action, and no other purpose, including, but not limited to, future litigation against the same Defendant, unless otherwise ordered by the Court; and IT IS FURTHER ORDERED that until such further Order of the Court, the case identified in the caption above shall be litigated in the name of a "John Doe" defendant, regardless of what information is ultimately disclosed pursuant to the Subpoena; and IT IS FURTHER ORDERED that Plaintiff shall not initiate settlement discussions or attempt to contact the Defendant prior to service of the Complaint, without leave of Court.

If the Defendant initiates such discussions, Plaintiff is permitted to participate therein and to settle the case; and IT IS FURTHER ORDERED that, provided Plaintiff serves the Subpoena authorized by this Order upon the ISP within 30 days of the date of this Order, Plaintiff's time to serve Defendant pursuant to Fed. R. Civ. P. 4(m) is extended to either 30 days after the expiration of the period within which Defendant or the ISP may move to quash or modify the Subpoena, or until 30 days following the denial of any such motion.

Dated: Brooklyn, New York December 15, 2025 s/ James R. Cho JAMES R. CHO United States Magistrate Judge