

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

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP Address
74.136.212.34

Strike 3 Holdings · No. 1:25-cv-853 · Decided January 9, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Strike 3 Holdings, LLC leave to serve an Internet service provider with a Rule 45 subpoena before the Rule 26(f) conference. The order limits the subpoena to obtaining the John Doe defendant’s name and residential address, establishes notice and preservation procedures, and permits the defendant to proceed anonymously under a protective order.

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	1:25-cv-853
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve a third-party subpoena on the Internet service provider associated with the identified IP address before the Rule 26(f) conference and sought authorization to proceed against the defendant anonymously.
STANDARD OF REVIEW	Good cause is required for expedited discovery before the Rule 26(f) conference; issuance of a protective order is governed by Federal Rule of Civil Procedure 26(c).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- discovery dispute
- copyright infringement
- trade secrets
- civil procedure

PRACTICE AREAS

Copyright infringement

Civil procedure

Third-party discovery

Protective orders

Anonymous defendants

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated good cause for leave to serve a third-party subpoena before the Rule 26(f) conference.
2. What limitations and notice procedures should govern the Rule 45 subpoena directed to the Internet service provider.
3. Whether Defendant should be permitted to proceed anonymously for a limited period and whether a protective order should issue under Rule 26(c).

HOLDINGS

1. Plaintiff demonstrated good cause for expedited discovery because it alleged copyright infringement, sought narrowly tailored information to identify the alleged infringer, the information was necessary and otherwise unavailable, and the discovery would substantially advance the case.
2. Plaintiff may serve a Rule 45 subpoena on the ISP to obtain Defendant's full name and residential address, but may not seek or obtain email addresses or telephone numbers; the subpoena is subject to delayed production, subscriber notice, a motion-to-quash deadline, and preservation obligations.
3. Defendant may proceed anonymously for a limited time, until discovery indicates that Defendant is the individual connected to the IP address identified in Plaintiff's subpoena, subject to modification by the parties or the court.

KEY QUOTATIONS

“Good cause may be found based upon “(1) allegations of copyright infringement, (2) the danger that the ISP will not preserve the information sought, (3) the narrow scope of the information sought, and (4) the conclusion that expedited discovery would substantially contribute to moving the case forward.””

FACTUAL BACKGROUND

Plaintiff alleged that Defendant committed direct copyright infringement and identified Defendant through an Internet protocol address. Plaintiff sought narrowly tailored discovery from the associated Internet service provider because the identifying information was necessary to prosecute the claim and was 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.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unidentified John Doe subscriber associated with IP address 74.136.212.34. Before the Rule 26(f) conference, Plaintiff moved for expedited third-party discovery to identify the defendant. The court granted the motion and issued a protective order governing the subpoena, notice, preservation, use of disclosed information, and the defendant's limited anonymity.

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)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION STRIKE 3 HOLDINGS, LLC,: Case No. 1:25-cv-853 Plaintiff,: Judge Timothy S. Black vs.: JOHN DOE subscriber assigned IP: Address 74.136.212.34,: Defendant.: ORDER: (1) GRANTING PLAINTIFF’S MOTION FOR LEAVE TO SERVE THIRD- PARTY SUBPOENA PRIOR TO RULE 26(f) CONFERENCE; AND (2) ISSUING A PROTECTIVE ORDER This civil case is before the Court on Plaintiff’s motion for leave to serve a third- party subpoena prior to the Rule 26(f) conference.

(Doc. 6). 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.” Fed. R. Civ. P. 26(d)(1). Courts within the Sixth Circuit require a showing of good cause in order to authorize expedited discovery. *Malibu Media, LLC v. Doe*, No. 2:15-CV-1202, 2015 WL 12732859, at *1 (S.D.

Ohio Apr. 13, 2015) (citation omitted). Good cause may be found based upon “(1) allegations of copyright infringement, (2) the danger that the ISP will not preserve the information sought, (3) the narrow scope of the information sought, and (4) the conclusion that expedited discovery would substantially contribute to moving the case forward.” *Id.* at *1 (citations omitted).

Having reviewed the complaint, the instant motion, and the accompanying memorandum of points and authorities, the Court finds that Plaintiff has demonstrated good cause for early discovery. Plaintiff has alleged a claim for direct copyright infringement and has narrowly tailored the discovery it seeks to identifying the alleged infringer.

Moreover, the information sought is necessary to prosecute Plaintiff’s claim and is otherwise unavailable. Accordingly, Plaintiff’s motion for leave to serve a third-party subpoena prior to the Rule 26(f) conference is GRANTED, subject to the following: 1. Plaintiff may serve a Rule 45 subpoena on the Internet Service Provider (“ISP”) associated with the identified IP address, to obtain information to identify Defendant’s full name and residential address.

Plaintiff is -no-t permitted to seek or obtain Defendant’s email address(es) or telephone number(s). Plaintiff may use the information disclosed in response to a Rule 45 subpoena served on the ISP

only for the limited purpose of protecting and enforcing its rights as alleged in the Complaint. 2.

The return date for the subpoena shall be no earlier than sixty (60) days from the date of service, and the ISP shall not produce any responsive information to Plaintiff before the return date of the subpoena. Plaintiff shall attach a copy of this Order to the subpoena. 3. Within fourteen (14) days of receipt of the subpoena, the ISP shall reasonably attempt to identify the subject John Doe subscriber and give said subscriber written notice of the subpoena, which may include e-mail notice.

The ISP's notice to John Doe subscriber shall include a copy of the subpoena and this Order. 4. Any party seeking to move to quash the subpoena should do so no later than twenty-eight (28) days after the date on which the ISP gives written notice to John Doe subscriber.

In the event a motion to quash is filed, Plaintiff's counsel shall immediately serve a copy of the motion to the ISP. Plaintiff's counsel shall further instruct the ISP that, pursuant to this Order, the ISP shall preserve any subpoenaed information, pending the resolution of the motion to quash. 5. 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.

See e.g., *Strike 3 Holdings, LLC v. Doe*, No. 19-10720, 2019 WL 2523591, at *1 (E.D. Mich. June 19, 2019). Accordingly, pursuant to Federal Rule of Civil Procedure 26(c), the Court issues a protective order. Defendant may proceed anonymously until discovery suggests that they are the individual connected to the IP address in Strike 3's non-party subpoena.¹ Parties may move to modify this protective order at any time.

IT IS SO ORDERED. Date: 1/9/2026 s/Timothy S. Black Timothy S. Black United States District Judge 1 To ensure anonymity consistent with this Order, Defendant shall be identified on the public docket and in any public filings as "John Doe," with no further identifying or contact information.

However, if Defendant submits any documents for filing pro se, such documents shall be submitted to the Clerk's Office containing Defendant's full name and contact information. The Court will file a redacted copy on the public docket and further file an unredacted copy UNDER SEAL.