

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

Strike 3 Holdings, LLC v. John Doe

Strike 3 Holdings · No. 2:25-cv-1353 · Decided January 9, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Strike 3 Holdings, LLC leave to serve a third-party Rule 45 subpoena before the Rule 26(f) conference to identify the subscriber associated with a specified IP address. The Court also issues a protective order permitting the defendant to proceed anonymously for a limited time and establishes notice, preservation, and motions-to-quash procedures.

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	2:25-cv-1353
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 for a protective order permitting the defendant to proceed anonymously.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- discovery dispute
- copyright infringement
- civil procedure

PRACTICE AREAS

- civil procedure
- copyright litigation
- discovery

QUESTIONS PRESENTED

1. Whether good cause existed under Federal Rule of Civil Procedure 26(d)(1) to authorize expedited third-party discovery before the Rule 26(f) conference.
2. What limitations and safeguards should govern a Rule 45 subpoena directed to the Internet service provider.
3. Whether the defendant should be permitted to proceed anonymously for a limited period under Federal Rule of Civil Procedure 26(c).

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.
2. Plaintiff may subpoena the associated Internet service provider for the defendant's full name and residential address, but may not seek the defendant's email addresses or telephone numbers, and may use the information only to protect and enforce the rights alleged in the complaint.
3. The defendant may proceed anonymously for a limited time, until discovery suggests that the defendant is the individual connected to the IP address identified in Plaintiff's nonparty subpoena, subject to modification by the parties or the court.

KEY QUOTATIONS

“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.””

“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 the defendant committed direct copyright infringement and identified the defendant through an IP 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 and personal nature of the allegations, the risk of false positives in identifying subscribers, and the public's common-law right of access to court proceedings.

PROCEDURAL HISTORY

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

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