

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. Doe

Case No. 3:25-cv-01451-RSH-AHG · No. 3:25-cv-01451-RSH-AHG · Decided June 21, 2025

SUMMARY

The United States District Court for the Southern District of California granted Strike 3 Holdings, LLC’s ex parte application to serve a third-party Rule 45 subpoena on Spectrum before the Rule 26(f) conference. The subpoena may seek only the name and address of the subscriber associated with the specified IP address, subject to notice, an opportunity to challenge disclosure, preservation requirements, and limits on use of the information.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Allison H. Goddard
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 21, 2025
DOCKET	3:25-cv-01451-RSH-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena on the Internet service provider before the parties' Rule 26(f) conference in order to identify the unnamed defendant.
STANDARD OF REVIEW	Good cause for expedited discovery is evaluated by balancing the need for expedited discovery, in consideration of the administration of justice, against prejudice to the responding party.
PRECEDENTIAL VALUE	Nonprecedential district-court order; precedential status not stated in the opinion.
PARTIES	Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 75.80.185.110

TOPICS

- discovery dispute
- civil procedure
- copyright infringement
- personal jurisdiction
- venue

PRACTICE AREAS

civil procedure

copyright litigation

discovery

QUESTIONS PRESENTED

1. Whether Plaintiff showed good cause for expedited discovery before the Rule 26(f) conference to identify an unnamed copyright-infringement defendant.
2. Whether Plaintiff identified the Doe defendant with sufficient specificity, made a good-faith effort to locate the defendant by other means, and alleged claims capable of surviving a motion to dismiss.
3. What procedural safeguards should govern the Rule 45 subpoena and disclosure of the Doe subscriber's identity.

HOLDINGS

1. The court held that good cause existed to permit limited expedited discovery before the Rule 26(f) conference because Plaintiff's need to identify and serve the anonymous defendant outweighed the potential prejudice to the responding party.
2. The court held that Plaintiff identified the Doe defendant with sufficient specificity by identifying a unique IP address associated with alleged infringement and presenting geolocation evidence tracing the address to the Southern District of California.
3. The court held that Plaintiff made the required good-faith effort to locate the Doe defendant before seeking an ISP subpoena.
4. The court held that Plaintiff's complaint stated a copyright-infringement claim sufficient to withstand a motion to dismiss and alleged facts supporting personal jurisdiction and venue.

KEY QUOTATIONS

“courts make exceptions to allow limited discovery after a complaint is filed to permit the plaintiff to learn the identifying information necessary to serve the defendant.” (at 577)

“Good cause is established through a balancing test “where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.”” (III)

“A party who requests early or expedited discovery must make a showing of good cause.” (III)

FACTUAL BACKGROUND

Strike 3 alleged that the subscriber assigned IP address 75.80.185.110 used BitTorrent to download, record, and distribute unauthorized copies of Plaintiff's copyrighted adult motion pictures. Plaintiff submitted declarations describing its VXXN Scan infringement-detection system, forensic records showing transactions involving the IP address, verification that the associated files corresponded to Plaintiff's copyrighted works, and geolocation data tracing the address to San Diego, California. Plaintiff asserted that Spectrum was the only entity able to correlate the IP address with the subscriber's name and address.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement complaint against John Doe on June 6, 2025. No defendant had been named or served when Plaintiff filed the ex parte application. The court granted leave to serve Spectrum with a limited subpoena, subject to notice, an opportunity to challenge disclosure, preservation requirements, and restrictions on use of the identifying information.

DISPOSITION

other

CASES CITED

- Columbia Ins. Co. v. Seescandy.com, 185 F.R.D. 573, 577–80 (N.D. Cal. 1999)
- UMG Recordings, Inc. v. Doe, No. C-08-3999-RMW, 2008 WL 4104207, at *2 (N.D. Cal. Aug. 29, 2008)
- Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273, 275–76 (N.D. Cal. 2002)
- 808 Holdings, LLC v. Collective of December 29, 2011 Sharing Hash, No. 12cv186 MMA-RBB, 2012 WL 12884688, at *4 (S.D. Cal. May 4, 2012)
- Openmind Solutions, Inc. v. Does 1-39, No. C-11-3311-MEJ, 2011 WL 4715200, at *2 (N.D. Cal. Oct. 7, 2011)
- Pink Lotus Entm’t, LLC v. Does 1-46, No. C-11-02263, 2011 WL 2470986, at *3 (N.D. Cal. June 21, 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Range Road Music, Inc. v. East Coast Foods, Inc., 668 F.3d 1148, 1153 (9th Cir. 2012)
- Perfect 10, Inc. v. Giganews, Inc., 847 F.3d 657, 666 (9th Cir. 2017)
- Malibu Media, LLC v. Does 1-5, No. 12-Civ-2950-JPO, 2012 WL 2001968, at *1 (S.D.N.Y. June 1, 2012)