

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

VENICE PI, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	Cause No. 1:17-cv-00284
DOE 1, DOE 2, DOE 3, DOE 4, DOE 5,)	
DOE 6, DOE 7, DOE 8, DOE 9, DOE 10,)	
DOE 11, DOE 12, DOE 13, DOE 14, and)	
DOE 15,)	
)	
Defendants.)	

**MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f)
CONFERENCE**

Plaintiff, by and through undersigned counsel, pursuant to the FED R. CIV. P., respectfully moves this Court for leave to take limited discovery prior to the Rule 26(f) conference for the reasons stated in the Memorandum filed contemporaneously herewith.

In particular, Plaintiff seeks the issuance of a subpoena under Rule 45 to Comcast Cable, the Internet Service Provider (“ISP”) who provided internet services to the Doe Defendants identified by an Internet Protocol (“IP”) address in Exhibit 2 of the Complaint. The subpoena will seek production of documents containing information sufficient to identify each Doe Defendant, including providing their

names and current addresses.

Respectfully submitted,

VENICE PI, LLC

Dated this 3rd day of July, 2017.

By: /s/ R. Matthew Van Sickle
R. Matthew Van Sickle
Indiana Bar No. 24430-41
Lynch Van Sickle, PLLC
201 Shannon Oaks Circle, Suite 200
Cary, North Carolina 27511
(919) 469-5685
rmv@lynchvansickle.com

Attorney for Venice PI, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of July, 2017, he electronically filed the foregoing “MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f) CONFERENCE” with the Clerk of the Court using the CM/ECF system which will electronically send notification of such filing to all counsel of record or interested parties via the CM/ECF system.

/s/ R. Matthew Van Sickle
R. Matthew Van Sickle
Indiana Bar No. 24430-41
Lynch Van Sickle, PLLC
201 Shannon Oaks Circle, Suite 200
Cary, North Carolina 27511
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**ORDER ON MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO
RULE 26(f) CONFERENCE**

This cause came before the Court upon Plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference (the "Motion"). The Court, having reviewed the Motion and the Memorandum of Law in Support of the Motion, does hereby:

FIND, ORDER, ADJUDGE, and DECREE:

1. Plaintiff has established good cause for the issuance of a subpoena to the Internet Service Provider (the "ISP") identified in Exhibit 2 of the Complaint.
2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to provide Plaintiff with the true name, permanent address, current address, telephone number, email address, and Media Access Control ("MAC") address of the Defendant to whom the ISP assigned an Internet Protocol ("IP") address as set forth in Exhibit 2 to the Complaint. Plaintiff shall attach to any such subpoena a copy of

this Order.

3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any service provider that is identified in response to a subpoena as a provider of internet services to one of the Defendants.

4. Each of the ISPs that qualify as a “cable operator,” as defined by 47 U.S.C. § 522(5), can comply with 47 U.S.C. § 551(c)(2)(B) by sending a copy of this Order to the Defendant.

5. The subpoenaed ISPs shall not require Plaintiff to pay a fee in advance of providing the subpoenas information; nor shall the subpoenaed ISPs require Plaintiff to pay a fee for an IP address the is not controlled by such ISP, or for duplicate IP addresses that resolved to the same individual, or for an address that does not provide the name of a unique individual, or for the ISP’s internal costs to notify its customers. If necessary, the Court shall resolved any disputes between the ISPs and Plaintiff regarding the reasonableness of the amount proposed to be charged by the ISP after the subpoenaed information is provided to Plaintiff.

6. Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on an ISP for the purpose of protecting and enforcing Plaintiff's rights as set forth in its Complaint.

SO ORDERED.

Signed: _____

United States District/Magistrate Judge