United States District Court
Southern District of Texas
ENTERED
September 22, 2016
David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

September Productions, Inc., *Plaintiff,* v. Does 1–16, anonymous BitTorrent users participating in file-sharing swarm identified by hash ending in 2AEC, *Defendants.*	§ § § § § § § § § § § §	Case No. 4:16-cv-2784 Jury

ORDER RE PLAINTIFF SEPTEMBER PRODUCTIONS, INC.'S *EX PARTE* MOTION TO TAKE PRE-26(F) CONFERENCE DISCOVERY OF THIRD-PARTY INTERNET SERVICE PROVIDER

THIS CAUSE came before the Court upon plaintiff September Productions, Inc.'s ("SPI's") *ex parte* motion to take pre-26(f) conference discovery of internet service provider Comcast Communications Management, L.L.C. ("Comcast"). The Court concludes that plaintiff's motion and supporting exhibits establish good cause for the expedited and limited discovery requested.

Accordingly, it is hereby

ORDERED that Plaintiff's Motion [Doc. # 6] is **GRANTED**. It is therefore

FURTHER ORDERED that:

1. Pursuant to Federal Rule of Civil Procedure 45, SPI may serve a subpoena on ISP Comcast for information concerning each of the

Doe Defendants identified by the IP addresses referenced in Exhibit 2 of the Complaint [Doc. # 1] to plaintiff's motion.

2. The subpoenaed ISP shall not require plaintiff to pay a fee in advance of providing the subpoenaed information or for the ISP's costs to notify its customers. However, plaintiff must reimburse Comcast for reasonable costs incurred in producing the material requested in the subpoenas, provided that Comcast must provide plaintiff a detailed invoice setting out the work performed.

3. If Comcast or any subscriber declines to comply with a subpoena issued pursuant to this Order, the objector must file a motion to quash before the return date of the subpoena, which will be at least 30 days from the date of service.

4. Comcast must preserve all subpoenaed information pending the resolution of a timely-filed motion to quash.

5. Any information disclosed to plaintiff in response to a subpoena may be used by plaintiff solely for the purpose of protecting plaintiff's rights as set forth in the Complaint in this case.

6. Plaintiff shall attach a copy of this Order to the subpoena.

Signed at Houston, Texas on Sept. 21, 2016.

David Hittner