UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 22-cv-61284-RKA

STRIKE 3 HOLDINGS, LLC, a limited liability company,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address 73.244.205.72, an individual,

JOHN DOE subscriber assigned IP address 75.220.115.40, an individual,

JOHN DOE subscriber assigned IP address 99.138.146.89, an individual,

JOHN DOE subscriber assigned IP address 66.229.148.204, an individual,

Defendants.
_____/

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO SERVE A THIRD PARTY SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE

THIS CAUSE came before the Court upon Plaintiff's Motion for Leave for Serve a Third Party Subpoena Prior to a Rule 26(f) Conference (the "Motion"), and the Court being duly advised in the premises does hereby:

FIND, ORDER AND ADJUDGE:

1. Plaintiff established that "good cause" exists for it to serve a third-party subpoena on the Internet service providers (hereinafter the "ISPs") for IP the addresses 73.244.205.72 (Comcast Cable Communications, LLC), 75.220.115.40 (Verizon Online LLC), 99.138.146.89 (AT&T Inc.), and 66.229.148.204 (Comcast Cable Communications, LLC). *See e.g.*, *Clear Skies*

Nevada, LLC v. Doe, No. CV 15-1987-ORL-40TBS, 2015 WL 1293850, at *1 (M.D. Fla. Dec. 3, 2015); *Malibu Media, LLC v. Doe*, No. CV 15-2314-T-17TBM, 2015 WL 12856086, at *1 (M.D. Fla. Nov. 6, 2015).

2. Plaintiff may serve each ISP with a Rule 45 subpoena commanding the ISP to provide Plaintiff with the true name and address of each Defendant to whom the ISP assigned an IP address as set forth on Exhibit A to the Complaint. Plaintiff shall attach to any such subpoena a copy of this Order.

3. If the ISPs qualifies as a "cable operator," as defined by 47 U.S.C. § 522(5), which states:

> the term "cable operator" means any person or group of persons
>
> (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or
>
> (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

it shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

> A cable operator may disclose such [personal identifying] information if the disclosure is . . . made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.

by sending a copy of this Order to the Defendant.

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

DONE AND ORDERED this ___ day of _____, 202___.

By: _____
UNITED STATES DISTRICT JUDGE