EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

U.S.A. TECHNOLOGIES, INC.,	:	**CIVIL ACTION**
Plaintiff	:	
	:	
	:	
vs.	:	**NO. 09-3899**
	:	
JOHN DOE and JANE DOE	:	
ANONYMOUS INTERNET WEBSITE	:	
BLOGGERS OPERATING AS	:	
MICHAEL_MOORE_IS_FAT AND	:	
STOKKLERK	:	
Defendant.	:	

ORDER

AND NOW, this 10th day of September, 2009 upon consideration of Plaintiff's Motion For Issuance of Subpoenas *Duces Tecum* Directed to Yahoo! Inc. Prior to F.R.C.P. 26(f) Conference (Document No. 3, filed August 27, 2009), **IT IS ORDERED** that Plaintiff's Motion for Issuance of Subpeonas *Duces Tecum* Prior to a F.R.C.P. 26 (f) Conference is **GRANTED** without prejudice to defendants' right to file a timely motion to quash.

IT IS FURTHER ORDERED as follows:

1. Plaintiff's subpoena shall direct Yahoo! to provide notice thereof to the individuals operating under the names "Michael_moore_is_fat" and "stokklerk;" and

2. Plaintiff's subpoena shall direct Yahoo! to allow the above individuals fifteen days to object before Yahoo! releases any information.

The Court's Order is based on the following:

1. The motion before the Court concerns the issuance of a subpoena *duces tecum* directing Yahoo!, the operator of an internet website, to divulge the names, physical addresses, e-mail addresses, instant messenger client information, telephone numbers, internet protocol logs

and internet service provider addresses of anonymous individuals operating under the names "Michael_moore_is_fat" and "stokklerk."

2. A party must obtain leave of court to conduct discovery prior to the conference required by Federal Rule of Civil Procedure 26(f). Fed. R. Civ. P. 26(d)(1). When, as here, a party seeks to use the discovery process to reveal the identities of anonymous internet writers, the Court is mindful of the delicate balance between the First Amendment right to free speech and the Plaintiff's need to address alleged wrongs. See Doe I v. Individuals, 561 F. Supp. 2d 249, 254 (D. Conn. 2008).

3. The Court grants the instant motion subject to the requirement that the subpoena delivered to Yahoo! be handled by Yahoo! according to the procedures described in its privacy policy, included as Exhibit B in plaintiff's Memorandum of Law and available at http://info.yahoo.com/privacy/us/yahoo/details.html.

4. The motion is granted without prejudice to the defendants' right to challenge the subpoena in a timely motion to quash.

BY THE COURT:

Jan E. DuBois

JAN E. DUBOIS, J.