

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

G2 PRODUCTIONS, LLC,

Plaintiff,

v.

JOHN DOES 1-83,

Defendants.

Civil Action No. 10-041 (CKK)

ORDER

(April 12, 2010)

On March 31, 2010, the Clerk of the Court received a “Notice of and Motion by John/Jane Doe to Proceed under Pseudonym” accompanied by a “Motion to Quash/Vacate Subpoena” from an individual (“Jane Doe”) who is affected by a subpoena issued by Plaintiff to Comcast Communications, Inc. (“Comcast”) in accordance with this Court’s January 21, 2010, Order. Jane Doe has provided her name and contact information to the Court. In her motion, Jane Doe asserts that good cause exists to quash the subpoena because it requires Comcast to turn over information about her based on her IP address, which does not match any of the IP addresses listed for Defendants John Does 1-83 in the Complaint. Jane Doe’s motion includes a copy of a letter she received from Comcast indicating that Jane Doe had been sued by Plaintiff in the above-captioned matter for allegedly infringing copyrights “by uploading and/or downloading movies using a computers assigned to the Internet Protocol address 76.25.32.165 on 11/21/2009 at 02:05:21 GMT.” The letter further indicated that Plaintiff had served a subpoena on Comcast seeking Jane Doe’s name and address and other information, based on her IP address.

The Court, after receiving Jane Doe’s motions, contacted Comcast to determine whether

her information had been provided to Plaintiff under the subpoena. Comcast informed the Court that Jane Doe's information had not been provided. Comcast also provided the Court with a copy of the subpoena served by Plaintiff requiring the production of Jane Doe's personal information. *See* Attachment A. The subpoena served on Comcast included an attached spreadsheet with 75 IP addresses and associated information. Jane Doe's IP address is listed on line 48 of 75.

Upon examination of the subpoena, it is clear that the subpoena requests more information than this Court authorized in its January 21, 2010, Order. The Court granted Plaintiff leave to take discovery only with respect to the 83 John Doe Defendants enumerated in the Complaint. The IP addresses for those 83 John Does were explicitly identified in Exhibit A of the Complaint. Exhibit A identifies Does 49-83, i.e., 35 of the 83 Defendants, as obtaining their internet service from Comcast. However, the subpoena served on Comcast seeks information pertaining to 75 IP addresses, including Jane Doe's, whose address is not listed in Exhibit A of the Complaint. Accordingly, the Court has not authorized discovery of Jane Doe's personal information, and the Court shall therefore GRANT Jane Doe's Motion to Quash.

For the foregoing reasons, it is, this 12th day of April, 2010, hereby


ORDERED that the Motion by Jane Doe to Proceed Under Pseudonym is GRANTED. The Clerk of the Court shall docket the Motion by Jane Doe to Proceed Under Pseudonym and the Motion to Quash/Vacate Subpoena without disclosing the identity of the filer. The Clerk of the Court shall retain all information relating to the identity of Jane Doe under seal. It is

FURTHER ORDERED that Jane Doe's Motion to Quash/Vacate Subpoena is GRANTED. The subpoena served by G2 Productions, LLC on Comcast is QUASHED with

respect to any information sought regarding the Internet Protocol address 76.25.32.165. It is

FURTHER ORDERED that the Clerk of the Court shall serve a copy of this Order on Jane Doe at the address she has provided to the Court. The Clerk of the Court shall also serve a copy of this Order on Comcast Cable Communications, Attn: Colin Padget/Legal Response Center, 650 Centerton Road, Moorestown, NJ 08057.

Date: April 12, 2010



COLLEEN KOLLAR-KOTELLY
United States District Judge



DUNLAP | GRUBB | WEAVER

www.dglegal.com

199 Liberty St., SW
Leesburg, Virginia 20175
703-777-7319 Telephone
703-777-3656 Facsimile

FAX COVER SHEET

FROM: Dunlap, Grubb & Weaver, PLLC
TO: Attn: Colin Padget/ Legal Response Center
FAX NUMBER: 866-947-5587
DATE - TIME: 2/19/2010 4:35 PM
RE:

Number of Pages (Including Cover): 9

COMMENTS:

We are also e-mailing the attached information to care_customer@cable.comcast.com. Please respond by close of business February 22nd, 2010 to kujueta@dglegal.com and zkhan@dglegal.com if you are not able to accept service of these items via e-mail/fax/mail.

- Keila Ujueta
Phone: 703-777-7319

This facsimile contains privileged and confidential information intended only for the use of the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this facsimile in error, please notify us by telephone (703) 777-7319 immediately and return the original message to us at the address above, via the U.S. Postal Service without copying or disclosing it. Thank you for your cooperation.



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ATTORNEYS & CONSULTANTS

199 LIBERTY STREET S.W.
LEESBURG, VA 20176-2715
703-777-4319/FAX 703-777-3656

WWW.DGLEGAL.COM

Friday, February 19, 2010

VIA FEDEX MAIL, FAX AND E-MAIL

Comcast Cable Communications
Attn: Colin Padgett/ Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
E-mail: care_customer@cable.comcast.com
Fax: 866-947-5587

Re: Court Order & Subpoena: G2 Productions, LLC v. Does 1-83, Civil Action No. 1:10-cv-00041-CKK
U.S. District Court for the District of Columbia:

Dear Colin / Custodian of Records:

Please find the enclosed subpoena and court order, together with the attached list of IP Addresses. In accordance with our duty under Rule 45 and in order to reduce the administrative burden and cost of this production and facilitate your search and records work in retrieving the customer contact information for the enclosed IP addresses, we:

1. have provided a CD Rom copy (by mail) with an Excel spreadsheet containing the target IP addresses for which we are requesting the customer identification information;
2. have provided a soft copy in an Excel spreadsheet (by e-mail) containing such information;
3. will meet with your IT/ research group and provide the data in any format you desire (.csv, .xls, or any database format) in the order with the column names you use to conduct searching; and
4. will have our IT group write any scripts or other programs to obtain the requested information from your database at our cost to reduce the burden on your company.

We are offering to go to these great lengths because we anticipate having literally thousands of additional IP address requests for a number of film companies and film titles on an on-going basis. We would very much like to meet with the appropriate records custodians to try to come up with a process and system to ease the burden of compliance for your company.

Thank you very much for assisting us with this request. We look forward to working with you. Please contact me with any questions.

Sincerely,

/s/ Thomas M. Dunlap

Thomas M. Dunlap

Enclosures: Subpoena (1); Court Order 1-21-10 (2); IP Address List (2); CD-Rom copy of IP Address List .xls file (mail copy only) (1); Soft copy of IP Address List .xls file (e-mail copy only) (1)

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

G2 PRODUCTIONS, LLC)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 1:10-cv-00041-CKK
DOES 1 – 83)	
<i>Defendant</i>)	(If the action is pending in another district, state where:)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Comcast Cable Communications, Attn: Colin Padget/ Legal Response Center, 650 Centerton Road
Moorestown, NJ 08057, care_customer@cable.comcast.com, Fax 866-947-5587

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: In accordance with the conditions in the attached order, provide the name, current (and permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of all individuals whose IP addresses are listed in the attached spreadsheet (paper and CD formats). Let us know the preferred format to provide data - we will provide data in the most efficient and cost effective format.

Place: Thomas M. Dunlap, Dunlap, Grubb & Weaver, PLLC, 199 Liberty Street S.W., Leesburg, VA 20175 Tel: 703-777-7319, Fax: 703-777-3656	Date and Time: 03/19/2010 10:00 am
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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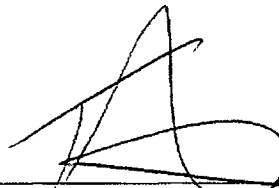
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 02/19/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) _____ Plaintiff

G2 PRODUCTIONS, LLC, who issues or requests this subpoena, are:

Thomas M. Dunlap, Dunlap, Grubb & Weaver, PLLC, 199 Liberty Street S.W., Leesburg, VA 20175,
Tel: 703-777-7319, Fax: 703-777-3656

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 1:10-cv-00041-CKK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

G2 PRODUCTIONS, LLC,

Plaintiff,

v.

JOHN DOES 1-83,

Defendants.

Civil Action No. 10-041 (CKK)

ORDER
(January 21, 2010)

In accordance with the accompanying Memorandum Opinion, it is, this 21st day of January, 2010, hereby

ORDERED that Plaintiff's [4] Motion for Leave to Take Discovery Prior to Rule 26(f) Conference is GRANTED; it is further

ORDERED that Plaintiff is allowed to serve immediate discovery on the internet service providers (ISPs) SBC Internet Services, Inc., Comcast Corporation, and Road Runner to obtain the identity of each John Doe Defendant by serving a Rule 45 subpoena that seeks information sufficient to identify each Defendant, including name, current (and permanent) addresses, telephone numbers, email addresses, and Media Access Control addresses; it is further

ORDERED that Plaintiff is allowed to serve a Rule 45 subpoena in the same manner as above to any ISP that is identified in response to a subpoena as a provider of internet services to one of the John Doe Defendants; it is further

ORDERED any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its

Complaint; it is further

ORDERED that if and when an ISP is served with a subpoena, the ISP shall give written notice, which may include email notice, to the subscribers in question within five business days; it is further

ORDERED that if the ISP and/or any Defendant wants to move to quash the subpoena, the party must do so before the return date of the subpoena, which shall be 25 days from the date of service; it is further

ORDERED that the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; and it is further

ORDERED that Plaintiff shall provide each ISP with a copy of this Order and accompanying Memorandum Opinion along with its subpoena.

Date: January 21, 2010

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge

49	98:222.67.99	11/21/09 08:11:35 AM	Uncross the Stars	azTorrent 1.8.4.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
50	98:223.147.134	11/22/09 01:39:51 AM	Uncross the Stars	Azureus 4.3.0.2	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d415a3433303292d67517793281716e5858556c
51	75:75.72.174	11/22/09 03:58:24 PM	Uncross the Stars	BitTorrent (UM)	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
52	98:246.179.101	11/25/09 02:14:18 AM	Uncross the Stars	azTorrent 1.8.5.0	701.16	BTH: KRCQM34AMZXPISHOWVUJFSP75KJK	2d5554313834302d3041566eb12e28ca905f42e44
53	98:218.248.102	11/27/09 08:59:28 AM	Uncross the Stars	Transmission 1.7.6.0	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
54	71.195.17.69	12/2/09 12:16:51 AM	Uncross the Stars	azTorrent 1.8.4.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
55	98:280.88.230	12/2/09 12:16:51 AM	Uncross the Stars	BitTorrent 1.01	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
56	75:64.106.208	12/6/09 05:54:16 AM	Uncross the Stars	azTorrent 1.8.4.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
57	24.11.240.76	12/7/09 07:30:13 PM	Uncross the Stars	Azureus 4.3.0.4	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d415a343330342d8a9e6774967583556978443556
58	68:51.10.44	12/8/09 04:28:10 AM	Uncross the Stars	Azureus 4.3.0.4	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
59	71.62.145.96	12/8/09 06:26:03 AM	Uncross the Stars	azTorrent 1.8.5.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
60	24.118.55.90	12/9/09 11:04:17 AM	Uncross the Stars	azTorrent 1.8.4.0	701.16	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
61	76:31.244.145	12/9/09 06:13:03 AM	Uncross the Stars	azTorrent 1.8.4.0	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
62	98:249.200.139	12/10/09 12:58:12 AM	Uncross the Stars	Transmission 1.7.6.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
63	24.126.251.188	12/14/09 10:44:00 AM	Uncross the Stars	Azureus 4.3.0.4	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
64	98:231.95.20	12/17/09 11:20:26 AM	Uncross the Stars	BitTorrent 6.3.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d415a343330342d8a9e6774967583556978443556
65	24.98.81.251	12/17/09 05:11:27 PM	Uncross the Stars	Azureus 4.3.0.4	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d415a343330342d8a9e6774967583556978443556
66	98:45.182.201	12/18/09 12:29:33 PM	Uncross the Stars	Azureus 4.3.0.4	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	2d5554313834302d3041566eb12e28ca905f42e44
67	67.174.116.217	12/18/09 12:54:44 AM	Uncross the Stars	azTorrent 1.8.4.0	701.16	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
68	68.42.124.209	12/20/09 01:54:37 AM	Uncross the Stars	Azureus 4.3.0.4	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
69	68.42.124.209	12/20/09 01:54:43 AM	Uncross the Stars	Azureus 4.3.0.6	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
70	68.42.124.209	12/20/09 01:54:43 AM	Uncross the Stars	azTorrent 1.8.5.0	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
71	68.42.124.209	12/20/09 01:54:43 AM	Uncross the Stars	Azureus 4.3.0.6	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
72	68.42.124.209	12/20/09 01:54:43 AM	Uncross the Stars	Azureus 4.3.0.6	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
73	68.42.124.209	12/20/09 01:54:43 AM	Uncross the Stars	Azureus 4.3.0.6	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
74	68.42.124.209	12/20/09 01:54:43 AM	Uncross the Stars	Azureus 4.3.0.6	714.67	BTH: B72W6B7A3WNGTLMJMPG33WLKT5IOOXZCC	2d5554313834302d3041566eb12e28ca905f42e44
75	67.167.59.26	12/27/09 09:36:26 PM	Uncross the Stars	BitTorrent 6.3.0	714.67	BTH: 504QGLSTC0M6TTCYMEVWBB55QTBVZHIASB	4d362d332302d2d4d42011514460721C4e21d85

Comcast Cable Uncross the Stars LLC 75ND.xls