UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MALIBU MEDIA, LLC,   )
)
                   Plaintiff,   )
)
          v.   ) CASE NO. 1:12-cv-01117-WTL-DML
)
JOHN DOES 1-11,   )
)
                   Defendants.   )

Order on Motion for Leave to Conduct Discovery

Plaintiff Malibu Media, LLC moves (Dkt. 12) the court to conduct discovery in advance

of a Rule 26(f) conference[1] through the service of non-party subpoenas on Internet Service

Providers ("ISPs") to learn the identities of the persons—now named as Defendants John Does

1-11—whose Internet Protocol ("IP") addresses correspond to the dates and times that those IP

addresses participated in the alleged copying or distribution of a creative work for which the

plaintiff holds the copyright. Being duly advised, the court GRANTS in PART and DENIES in

PART the motion as follows:

1. Plaintiff may serve non-party subpoenas on the ISPs identified on Exhibit A to its
   motion (*see* Dkt. 12-2 at p. 18) to obtain discovery directed at learning the identities
   of the persons whose IP addresses are identified on Exhibit A.

2. Information provided to the plaintiff in response to a subpoena may be used solely in
   connection with this litigation.

3. Absent further order of the court, plaintiff is not granted leave to conduct follow-up,
   or further, discovery based on or arising out of the information learned in response to
   subpoenas served on the ISPs and with respect to the IP addresses specifically
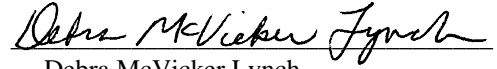   identified on Exhibit A.

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[1]   At docket 4 is another, but incomplete, copy of the plaintiff's motion; the motion at
docket 12 replaces the one at docket 4, which is denied as moot.

4. This order does not foreclose any ISP on which a subpoena is served to move the court to quash or modify the subpoena under Fed. R. Civ. P. 45. Plaintiff must attach a copy of this Order to each subpoena.

So ORDERED.

Date: ___08/24/2012_____

Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

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