

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

Case No. 8:23-cv-2430-VMC-JSS

JOHN DOE
subscriber assigned IP address
173.169.71.221,

Defendant.

_____/

ORDER

This matter comes before the Court upon Plaintiff Strike 3 Holdings, LLC's Motion for Leave to Serve a Third-Party Subpoena Prior to Rule 26(f) Conference (Doc. # 9), filed on November 9, 2023. Upon review of the Motion and the attached Declarations in support, it is now

ORDERED, ADJUDGED, and DECREED:

1. Plaintiff Strike 3 Holdings, LLC's Motion for Leave to Serve a Third-Party Subpoena Prior to Rule 26(f) Conference (Doc. # 9) is **GRANTED**.

2. Plaintiff has established that "good cause" exists for it to serve a third-party subpoena on Spectrum (hereinafter the "ISP"). See, e.g., Clear Skies Nevada, LLC v. Doe, No. 6:15-cv-1987-GAP-TBS, 2015 WL 12938950, at *1

(M.D. Fla. Dec. 3, 2015); Malibu Media, LLC v. Doe, No. 8:15-cv-2314-EAK-TBM, 2015 WL 12856086, at *1 (M.D. Fla. Nov. 6, 2015).

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

4. If the ISP 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 Defendant.

5. 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** in Chambers, in Tampa, Florida, this
5th day of December, 2023.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE