

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Malibu Media LLC,  
  
Plaintiff,  
  
v.  
  
John Doe subscriber assigned IP address  
162.231.61.76,  
  
Defendant.

Case No.: 16cv781-JAH (BGS)

**ORDER FOR SUPPLEMENTAL  
BRIEFING**

**I. BACKGROUND**

On April 1, 2016, Plaintiff, Malibu Media, LLC, filed a complaint against the John Doe subscriber assigned IP address 162.231.61.76 for copyright infringement. (ECF No. 1.) On April 21, 2016, Plaintiff filed an Ex Parte Motion for Leave to Serve Third-Party Subpoenas Prior to a Rule 26(f) Conference in order to ascertain the identity of this John Doe Defendant. (ECF No. 4.)

**II. REQUEST FOR ADDITIONAL INFORMATION**

Before the Court can grant Plaintiff's motion for early discovery, Plaintiff must identify the Defendant with enough specificity to enable the Court to determine that the Defendant is a real person or entity who would be subject to the jurisdiction of this Court. *Columbia Ins. Co. v. Seescandy.com*, 185 F.R.D. 573, 578 (N.D. Cal. 1999). This Court

has previously determined that “a plaintiff identifies Doe defendants with sufficient specificity by providing the unique IP addresses assigned to an individual defendant on the day of the allegedly infringing conduct, **and by using ‘geolocation technology’ to trace the IP addresses to a physical point of origin.**” *808 Holdings, LLC v. Collective of December 29, 2011 Sharing Hash*, No. 12-cv-0186 MMA (RBB), 2012 WL 1648838, \*4 (S.D. Cal. May 4, 2012)(emphasis added)(quoting *OpenMind Solutions, Inc. v. Does 1-39*, No. C-11-3311 MEJ, 2011 WL 4715200 (N.D. Cal. Oct. 7, 2011); *Pink Lotus Entm’t, LLC v. Does 1-46*, No. C-11-02263 HRL, 2011 WL 2470986 (N.D. Cal. June 21, 2011)).

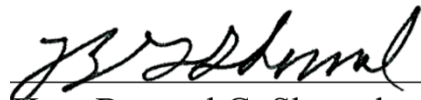
The Court has reviewed the ex parte motion. It states that Plaintiffs employed geolocation technology to trace the physical address of the offending IP address within this jurisdiction. However, the Plaintiff provides no support for this assertion, only referring to its original complaint. (ECF No. 4-1 at 20:4-7.) Although Plaintiffs submitted two declarations in support of their ex parte motion, neither address the specifics of geolocation. Accordingly, the Court orders Plaintiff to submit a supplemental declaration providing additional information regarding:

1. Tracing the subject IP address to a particular ISP;
2. Geolocating the subject IP within the jurisdiction of this Court; and
3. The timing of the geolocation if the IP address is dynamic.

Plaintiff must provide a supplemental declaration with the above identified information by **June 13, 2016**.

IT IS SO ORDERED.

Dated: April 29, 2016

  
 Hon. Bernard G. Skomal  
 United States Magistrate Judge