

Case Number: 3:16-cv-6109-WHA

Maxmind Geolocation Trace City: Antioch, CA

ISP Response Trace City: Antioch, CA

Correct District: Yes

Date Filed: October 23, 2016

Status: Voluntarily Dismissed on April 6, 2017

Reason for Dismissal: Plaintiff's investigators determined the ISP address traced to a business and could not ascertain the immediate responsible party for the infringement.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA177
Case No.: 3:16-cv-06109-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06109 WHA

v.

JOHN DOE subscriber assigned IP
Address 104.187.188.35,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

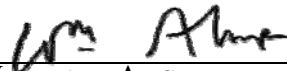
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

3
4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.


7 _____
8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 104.187.188.35, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06109-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
104.187.188.35	06/25/2016 22:18:24

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA177) Malibu Media v. John Doe

Case No: 3:16-cv-06109-WHA

AT&T	
IP Address	Date/Time UTC
104.187.188.35	6/25/2016 22:18



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:
[REDACTED]

From: JUR

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/1/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 3/29/2017**

RE: MAIBU MEDIA VS JOHNDOE CASE C 16-06109 WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

Invoice Date: March 28, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MAIBU MEDIA VS JOHNDOE CASE C 16-06109 WHA	Billed Usage	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MAIBU MEDIA VS JOHNDOE CASE C 16-06109 WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
 Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
 11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

Invoice Date: March 28, 2017
 Invoice Number: [REDACTED]
 File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, A PLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

_____ Credit Card Number	_____ EXP DATE
_____ Printed Name	_____ Credit Card Type (Visa, MasterCard, Amex, etc)
_____ Address for Credit Card	_____ Name As It Appears on the Credit Card
_____ Signature	_____ City/State/Zip Code for Credit Card
	_____ Date

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06109 WHA

v.

JOHN DOE subscriber assigned IP
Address 104.187.188.35,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 104.187.188.35, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06109-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
 PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
104.187.188.35	06/25/2016 22:18:24

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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Place:	Date and Time:
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com
.....

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);
- (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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA177) Malibu Media v. John Doe

Case No: 3:16-cv-06109-WHA

AT&T	
IP Address	Date/Time UTC
104.187.188.35	6/25/2016 22:18

[REDACTED] JUR



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposes and says:

[REDACTED] **I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 11/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.**

104.187.188.35

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and

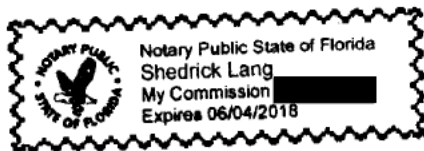
[REDACTED]

March 27, 2017

The foregoing affidavit was sworn to and subscribed before me by [REDACTED] who is personally known to me.

March 27, 2017

[REDACTED]



Serial Number (if any)

GLOBAL LEGAL DEMAND CENTER



U-Verse Customer Account Details

Important Note: AT&T U-Verse internet access accounts do not have traditional session records with a standard log on/log off format. U-Verse customers have a unique IP directly provisioned to the account. Please reference the Historical IP Provisioning section below for dates and specific details.

>Current Account Information

BAN: [REDACTED]
 Circuit [REDACTED]
 CMS Policy:
 [REDACTED]

DHCP Relay: [REDACTED]
 DSLAM: [REDACTED]
 HSIA Registered: yes
 IP: 104.187.188.35
 MAC Addr: [REDACTED]

>Historical IP Provisioning

TXID	DATE	RC	Message	Key/Vals
[REDACTED]	05/01/2015 14:57:19	100	Ok	ban: [REDACTED] sbcgnftxdhcprelayaddress: [REDACTED] ip: 104.187.188.35 [H] ip_assigned: 104.187.188.35 [H] rg: [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED]

> Email Information



>Subscriber Information

Billing Profile Orders CPE History/Tracking Credit Risk **Addresses** Acct Identifiers Contracts Info CC Details Contacts Flashes Action Items Attachments Segmentation

Search Now **Unsaved Search** View All 2 Record(s)

Type	Status	House Number and Street Name	City	State	Zip	Listed Name	CVoIP TN	Update On	Validated
Service	Active	[REDACTED]	ANTIOCH	CA	[REDACTED]			5/1/2015 4:58 PM	Yes
Billing	Active	[REDACTED]	Winnetka	CA	[REDACTED]			4/25/2015 6:21 AM	Yes

Service Address

Exact Address Nearby Addresses Rural Address

Prefix: **House Num:** **Suffix:** **Directional:** **Street Name:** **Thoroughfare:** **Street Suffix:** **Unit Type:**

Level Type: **Structure Type:** **City:** **State:** **Box Number:** **Postal Code:**

Billing Profile Orders CPE History/Tracking Credit Risk Addresses Acct Identifiers Contracts Info CC Details **Contacts** Flashes Action Items Attachments Segmentation Tax & Exemption

Search Now **Unsaved Search** View All 1 Record(s)

First Name	Last Name	Contact Role	CBR Type	CBR	CVoIP TN	Preferred Email Address
[REDACTED]	[REDACTED]	Primary	Home Phone	[REDACTED]		

Case Number: 3:16-cv-5824-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 9, 2016

Status: Active case – Plaintiff served the subpoena on February 6, 2017. The ISP is expected to comply by May 19, 2017. To date, Plaintiff has not received the response from AT&T.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA178
Case No.: 3:16-cv-05824-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05824 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.128.208.141,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

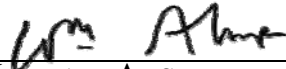
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

3
4 **IT IS SO ORDERED.**

5
6 Dated: February 1, 2017.

7 
8 _____
9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.128.208.141, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05824-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.128.208.141	05/19/2016 09:17:17

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA178) Malibu Media v. John Doe

Case No: 3:16-cv-05824-WHA

AT&T	
IP Address	Date/Time UTC
107.128.208.141	5/19/2016 9:17



**National Court Order Compliance
RESPONSE COVER SHEET**
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: 2177940

From: DH

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/1/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 2/10/2017**

RE: MALIBU MEDIA, LLC V. JOHN DOE NO: 3:16-CV-05824-WHA

- Per the statute Cal. Public Utility Code 2891 (a) a notarized customer consent must accompany your subpoena in order for us to release records. AT&T is prohibited from providing the records without the required written consent.

In addition to Cal. Public Utility Code 2891 (a), Cal. Code Civ. Procedure 1985.3(f) requires a notarized customer consent accompany your subpoena for all civil demands.

If you still wish to obtain the requested information, please resubmit the subpoena together with the required customer consent and refer to the file code above.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05824 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.128.208.141,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
until the deadline set by Rule 4(m)). Any requests to extend that deadline
shall be made immediately as circumstances justifying the extension
arise, rather than at the last minute. Malibu Media must support
any assertion that defendant is dodging service with an affidavit
of non-service (to be filed under seal, with defendant's identifying
information redacted on the public docket). Malibu Media shall please
file a notice informing the Court of the date on which it received
defendant's identifying information no later than **FIVE CALENDAR DAYS**
after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
communication, that defendant's IP address was assigned to a physical
address outside this district, it shall, within **21 CALENDAR DAYS** from the
date on which it learned that information, dismiss the action or **SHOW**
CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.128.208.141, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05824-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
 PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.128.208.141	05/19/2016 09:17:17

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com
.....

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition.

A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party's officer; or

(ii) is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA178) Malibu Media v. John Doe

Case No: 3:16-cv-05824-WHA

AT&T	
IP Address	Date/Time UTC
107.128.208.141	5/19/2016 9:17

Case Number: 3:16-cv-6240-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: San Jose, CA

Correct District: Yes

Date Filed: October 28, 2016

Status: Active case – Plaintiff is in the process of reaching a settlement agreement with Defendant.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA179
Case No.: 3:16-cv-06240-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06240 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.128.208.88,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

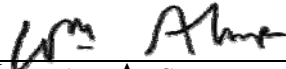
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.128.208.88, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06240-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.128.208.88	07/04/2016 09:26:34

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

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(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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.

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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:

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(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

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

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Information. These procedures apply to producing documents or electronically stored information:

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(NCA179) Malibu Media v. John Doe


Case No: 3:16-cv-06240-WHA

AT&T	
IP Address	Date/Time UTC
107.128.208.88	7/4/2016 9:26



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI
433 N. CAMDEN DR, 6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: 

From: LP

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/1/2017
Received On: 2/6/2017

Number of Pages:
Date: 3/31/2017

RE: MALIBU MEDIA, LLC, VS. JOHN DOE NO. C 16-06240 WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.128.208.88, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06240-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06240 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.128.208.88,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

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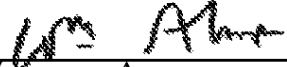
- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
until the deadline set by Rule 4(m)). Any requests to extend that deadline
shall be made immediately as circumstances justifying the extension
arise, rather than at the last minute. Malibu Media must support
any assertion that defendant is dodging service with an affidavit
of non-service (to be filed under seal, with defendant's identifying
information redacted on the public docket). Malibu Media shall please
file a notice informing the Court of the date on which it received
defendant's identifying information no later than **FIVE CALENDAR DAYS**
after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
communication, that defendant's IP address was assigned to a physical
address outside this district, it shall, within **21 CALENDAR DAYS** from the
date on which it learned that information, dismiss the action or **SHOW**
CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

[REDACTED]

[REDACTED]

[REDACTED]

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SAN JOSE CA 95135-1631

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SJ CA 95135

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Case Number: 3:16-cv-5922-WHA

Maxmind Geolocation Trace City: San Carlos, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 13, 2016

Status: Voluntarily dismissed prior to receiving Defendant's identity because Plaintiff reached a settlement with opposing counsel.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA180
Case No.: 3:16-cv-05922-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05922 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.199.204.150,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

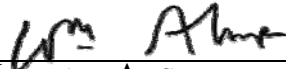
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

3
4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.199.204.150, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05922-WHA
---	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.199.204.150	06/09/2016 06:15:34

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
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Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.**(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA180) Malibu Media v. John Doe

Case No: 3:16-cv-05922-WHA

AT&T	
IP Address	Date/Time UTC
107.199.204.150	6/9/2016 6:15

Case Number: 3:16-cv-6160-WHA

Maxmind Geolocation Trace City: Campbell, CA

ISP Response Trace City: Cupertino, CA

Correct District: Yes

Date Filed: October 25, 2016

Date Dismissed: April 27, 2017

Reason for Voluntary Dismissal: Plaintiff received Defendant's identity on or around March 27, 2017 and immediately began its investigation of the subscriber.

Prior to amending its complaint and serving the John Doe defendant, Plaintiff takes great lengths to research the Doe defendant and ensure it is pursuing the correct infringer.

In this case, the subscriber was female and contained a common first and last name. Moreover, she resided with her husband, and two adult children, one male age twenty-three and one female, age twenty-one.

Plaintiff examined its additional information containing a list of other content downloaded through BitTorrent in order to help aid in determining the likely responsible party. In doing so, it built an extensive profile on each member of the household. The additional evidence contained 9,647 downloads over the course of years containing a variety of works, ranging from PBS documentaries to 60 minutes episodes, video games, popular music, and software.

Ultimately, Plaintiff's investigation delayed the case and by the time Plaintiff filed its amended complaint and received its summons, the Rule 4m deadline was only two days away.

Knowing that the delays in this case were not justified, Plaintiff voluntarily dismissed rather than moving for extension. Plaintiff realizes now that filing fifty-seven cases in one month stretches its resources and does not allow it to expeditiously process its cases. Plaintiff and undersigned sincerely apologize and assure your Honor that in the future, if Plaintiff ever files more cases in this District, it will do so in much smaller numbers with diligent case management.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA181
Case No.: 3:16-cv-06160-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06160 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.204.175.161,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

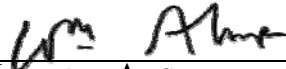
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.204.175.161, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06160-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.204.175.161	07/04/2016 04:00:59

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA181) Malibu Media v. John Doe

Case No: 3:16-cv-06160-WHA

AT&T	
IP Address	Date/Time UTC
107.204.175.161	7/4/2016 4:00





**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code: [REDACTED]

From: **MG**

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/1/2017
Received On: 2/6/2017

Number of Pages:
Date: 3/25/2017

- All available requested information is enclosed.

IMPORTANT NOTICE:

AT&T's preferred method of response is via email. Please include an email address on future requests.

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06160 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.204.175.161,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
until the deadline set by Rule 4(m)). Any requests to extend that deadline
shall be made immediately as circumstances justifying the extension
arise, rather than at the last minute. Malibu Media must support
any assertion that defendant is dodging service with an affidavit
of non-service (to be filed under seal, with defendant's identifying
information redacted on the public docket). Malibu Media shall please
file a notice informing the Court of the date on which it received
defendant's identifying information no later than **FIVE CALENDAR DAYS**
after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
communication, that defendant's IP address was assigned to a physical
address outside this district, it shall, within **21 CALENDAR DAYS** from the
date on which it learned that information, dismiss the action or **SHOW**
CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88E (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.204.175.161, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06160-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
 PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.204.175.161	07/04/2016 04:00:59

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: <u>(310) 734-4269</u>	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com
.....

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action
(page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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.

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(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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);
- (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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(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.

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(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.

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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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

MG



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [redacted] who being duly sworn, deposes and says:

[redacted] am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/13/2008. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

107.204.175.161

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

[redacted signature area]

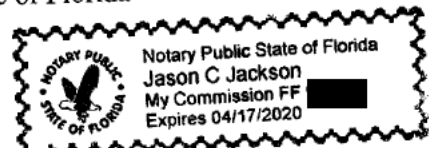
The foregoing affidavit was sworn to and subscribed before me by [redacted] who is personally known to me.

February 24, 2017

Notary Public, State of Florida

Printed Name

Serial Number (if any)



National Court Order Compliance

[redacted signature area]

(NCA181) Malibu Media v. John Doe

Case No: 3:16-cv-06160-WHA

AT&T	
IP Address	Date/Time UTC
107.204.175.161	7/4/2016 4:00



[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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CUPERTINO CA 95014-2303

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CPRTNO CA 95014

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[REDACTED]

Case Number: 3:16-cv-5920-WHA

Maxmind Geolocation Trace City: Los Altos, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 13, 2016

Status: Plaintiff served its subpoena on AT&T on February 6, 2017. Plaintiff is currently waiting for the ISP to respond to its subpoena and expects it do so by June 7, 2016.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA182
Case No.: 3:16-cv-05920-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05920 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.214.150.33,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

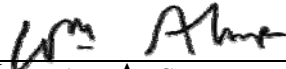
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

3
4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.214.150.33, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05920-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.214.150.33	06/07/2016 18:54:21

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ *Henrik Mosesi, Esq.*
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA182) Malibu Media v. John Doe

Case No: 3:16-cv-05920-WHA

AT&T	
IP Address	Date/Time UTC
107.214.150.33	6/7/2016 18:54

Case Number: 3:16-cv-5850-WHA

Maxmind Geolocation Trace City: Emeryville, CA

ISP Response Trace City: Piedmont, CA

Correct District: Yes

Date Filed: October 11, 2016

Voluntary Dismissal: Plaintiff dismissed this case on May 2, 2017 after lengthy negotiations with opposing counsel resulted in the parties reaching a settlement agreement.

PILLAR LAW GROUP
A PROFESSIONAL LAW CORPORATION

150 SOUTH RODEO DRIVE
SUITE 260
BEVERLY HILLS, CALIFORNIA 90212

TELEPHONE: (310) 999-0000
FACSIMILE: (888) 667-5482
WWW.PILLAR.LAW

Friday, December 9, 2016

VIA FACSIMILE AND E-MAIL

AT&T Internet Services
Legal Compliance
11760 Highway 1
Suite 600
North Palm Beach, FL. 33408
Facsimile: (888) 938-4715
E-mail: compcent@att.com

**Re: Malibu Media, LLC v. John Doe Subscriber assigned IP Address
107.216.114.7; Case No. 3:16-cv-5850-WHA**

Dear Custodian of Records,

Pillar Law Group, APLC represents Plaintiff in the above captioned matter. On 10/11/2016, Plaintiff filed the instant case against John Doe Subscriber assigned IP address 107.216.114.7 claiming Defendant's direct infringement of Plaintiff's works through the BitTorrent protocol. *See* CM/ECF 1. Because Defendant is only known to Plaintiff by Defendant's IP address, Plaintiff intends on filing a Renewed Motion for Leave to Serve a Third Party Subpoena on the Defendant's Internet Service Provider ("Renewed Motion"), in order to obtain Defendant's true identity. Plaintiff is in the process of preparing this motion for filing. Please be advised that Plaintiff's Renewed Motion, will seek leave of court to obtain Defendant's identifying information from AT&T Internet Services. Specifically, Plaintiff will seek documents in AT&T's possession which identify the name and address of the Defendant John Doe who was assigned IP Address 107.216.114.7 at the following date and time: 6/5/2016 5:14:22 PM UTC. Accordingly, Plaintiff hereby requests that you preserve the foregoing documents. Please prevent the destruction, expiration, deletion, overwriting, concealment, or modification (even if such data would otherwise expire, be deleted or overwritten, concealed, or modified in the normal course of business, including through the termination of user accounts) of documents which identify the name and address of the Defendant John Doe who was assigned IP Address 107.216.114.7 at the following date and time: 6/5/2016 5:14:22 PM UTC.

Compliance with these preservation obligations includes forwarding a copy of this letter to all individuals that are responsible for the documents referred to in this letter. If this correspondence is in any respect unclear, please call me immediately.

To be clear, this is not a subpoena and Plaintiff is not demanding your production of Defendant's identifying information at this time. Please do **NOT** produce any of John Doe Defendant's identifying information to undersigned or Plaintiff until **after** the Court grants Plaintiff's Renewed Motion and Plaintiff serves you with a subpoena.

If you have any questions or wish to discuss this matter in further detail, please feel free to call my office.

Sincerely,

/s/ Henrik Mosesi

Henrik Mosesi

Invoice Date: April 12, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA V JOHN DOE 107.216.114.7 CASE# 3:16-CV-05850-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA V JOHN DOE 107.216.114.7 CASE# 3:16-CV-05850-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Invoice Date: April 12, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: 

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/12/2017

RE: MALIBU MEDIA V JOHN DOE 107.216.114.7 CASE# 3:16-CV-05850-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05850 WHA

v.

JOHN DOE subscriber assigned IP
Address 107.216.114.7,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

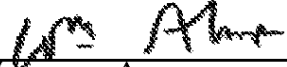
- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.216.114.7, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05850-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
 PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.216.114.7	06/05/2016 17:14:22

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

.....

BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [redacted] who being duly sworn, deposes and says:

[redacted]

[redacted] am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

107.216.114.7

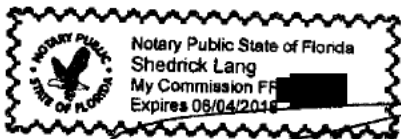
The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

[redacted]

The foregoing affidavit was sworn to and subscribed before me by [redacted] who is personally known to me.

April 11, 2017

[redacted]



GLOBAL LEGAL DEMAND CENTER

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PIEDMONT CA 94611-3741

[REDACTED]

PDMNT CA 94611

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Case Number: 3:16-cv-5927-WHA

Maxmind Geolocation Trace City: Santa Clara, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 13, 2016

Voluntary Dismissal: Plaintiff dismissed this case on March 17, 2017 because Comcast, Defendant's ISP, could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05927 WHA

v.

JOHN DOE subscriber assigned IP
address 107.3.138.207,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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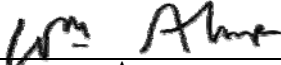
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 107.3.138.207, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05927-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
107.3.138.207	06/16/2016 03:40:53

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA184) Malibu Media v. John Doe

Case No: 3:16-cv-05927-WHA

Comcast	
IP Address	Date/Time UTC
107.3.138.207	6/16/2016 3:40



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

2/27/2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive., 6th Floor
Beverly Hills, CA 90210

Re: *MALIBU MEDIA, LLC v. JOHN DOE subscriber assigned IP address 107.3.138.207*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05927
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	107.3.138.207	06/16/2016	03:40:53 GMT	Comcast	does not have sufficient information to identify this doe defendant				

Case Number: 3:16-cv-05738-WHA

Maxmind Geolocation Trace City: Monterey, CA

ISP Response Trace City: Monterey, CA

Correct District: Yes

Date Filed: October 6, 2016

Voluntary Dismissal: Plaintiff dismissed this case on April 6, 2017 because Defendant's ISP's subpoena response revealed that the John Doe Defendant was also a Defendant in another Malibu case (3:16-cv-6240-WHA). Accordingly, Plaintiff determined that it would proceed against this Defendant in the other case.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA185
Case No.: 3:16-cv-05738-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05738 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.194.46.141,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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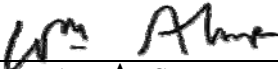
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.194.46.141, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05738-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.194.46.141	04/19/2016 21:35:40

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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

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(e) Duties in Responding to a Subpoena.

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(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA185) Malibu Media v. John Doe

Case No: 3:16-cv-05738-WHA

AT&T	
IP Address	Date/Time UTC
108.194.46.141	4/19/2016 21:35

Invoice Date: April 04, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE # 3:16-CV-05738-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE # 3:16-CV-05738-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: April 4, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

File Code: [REDACTED]

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/4/2017

RE: MALIBU MEDIA LLC V JOHN DOE # 3:16-CV-05738-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05738 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.194.46.141,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.


1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.194.46.141, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05738-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.194.46.141	04/19/2016 21:35:40

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

.....

██████████ BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared ██████████ who being duly sworn, deposes and says:

██████████ I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

108.194.46.141

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

████████████████████

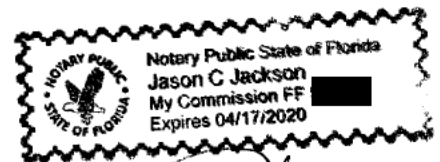
The foregoing affidavit was sworn to and subscribed before me by ██████████ who is personally known to me.

April 3, 2017

Notary Public, State of Florida

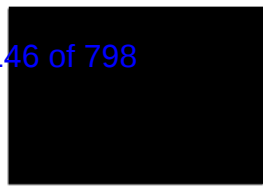
Printed Name

Serial Number (if any)



GLOBAL LEGAL DEMAND CENTER

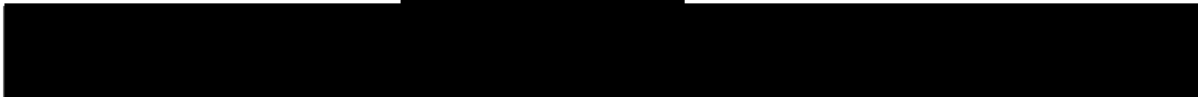
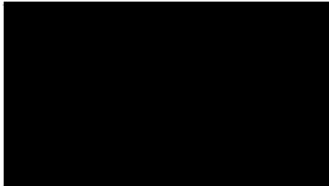
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MONTEREY CA 93940-6050



MTRY CA 93940



Case Number: 3:16-cv-5975-WHA

Maxmind Geolocation Trace City: Sunnyvale, CA

ISP Response Trace City: Sunnyvale, CA

Correct District: Yes

Date Filed: October 17, 2016

Status: Plaintiff received the Defendant's identifying information on April 24, 2017. Plaintiff immediately conducted an investigation and determined that the evidence strongly indicated that the subscriber was the infringer. Specifically, Plaintiff's additional evidence contained information that the Defendant was downloading consumer report magazines, Harvard business review, data analytic management system software, and e-books focused on marketing and growing a business. The subscriber is CEO of what appears to be a start up tech company.

On April 28, 2017, Plaintiff filed its Amended Complaint under seal. *See* CM/ECF 18. And, on May 8, 2017, Plaintiff received its summons. *See* CM/ECF 21. Plaintiff's rule 4(m) deadline to serve the defendant is May 28, 2017. This Order to Show Cause followed.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA186
Case No.: 3:16-cv-05975-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05975 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.228.12.17,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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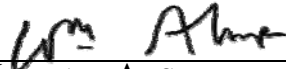
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.228.12.17, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05975-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.228.12.17	06/23/2016 01:42:05

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA186) Malibu Media v. John Doe

Case No: 3:16-cv-05975-WHA

AT&T	
IP Address	Date/Time UTC
108.228.12.17	6/23/2016 1:42



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:



From: LJH

**Phone Number: (310) 734-4269
HENRY@MOSESI.COM**

**Request Dated: 2/6/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 3/10/2017**

RE: MALIBU MEDIA LLC -VS- JOHN DOE/IP CASE NO: C 16-05975 WHA

- All available requested subscriber information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued.

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

Invoice Date: March 09, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC -VS- JOHN DOE/IP	Processing Fee	1.0	[REDACTED]	[REDACTED]
	CASE NO: C 16-05975 WHA				
[REDACTED]	MALIBU MEDIA LLC -VS- JOHN DOE/IP	Billed Usage	1.0	[REDACTED]	[REDACTED]
	CASE NO: C 16-05975 WHA				

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]

ljh



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: March 9, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, A PLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05975 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.228.12.17,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.228.12.17, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05975-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
 PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.228.12.17	06/23/2016 01:42:05

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

.....

LJH



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposes and says:

[REDACTED] I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 06/01/1994. Attached to this Affidavit are true and correct copies of subscriber information issued by AT&T.

IP ADDRESS: 108.228.12.17

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

[REDACTED]

The foregoing affidavit was sworn to and subscribed before me by [REDACTED] who is personally known to me.

March 8, 2017

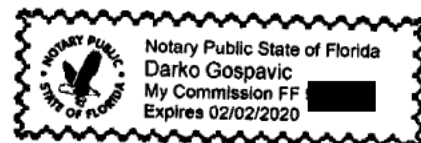
Notary Public, State of Florida

Printed Name

Serial Number (if any)

[REDACTED]

GLOBAL LEGAL DEMAND CENTER



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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SUNNYVALE CA 94087-1854

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SUNYVL CA 94087

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[REDACTED]

[REDACTED]

Case Number: 3:16-cv-5921-WHA

Maxmind Geolocation Trace City: Salinas, CA

ISP Response Trace City: Salinas, CA

Correct District: Yes

Date Filed: October 13, 2016

Voluntary Dismissal: Plaintiff received Defendant's name on March 28, 2017 and on April 17, 2017 Plaintiff filed a voluntary dismissal. After an investigation, Plaintiff determined that it was not in Plaintiff's, nor Defendant's, best interests to move forward with litigation. Indeed, its investigation revealed that Defendant was likely struggling financially and still lived with his parents.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA187

Case No.: 3:16-cv-5921-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05921 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.239.176.87,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

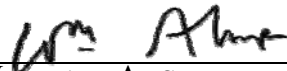
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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.239.176.87, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05921-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.239.176.87	06/08/2016 03:47:47

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA187) Malibu Media v. John Doe

Case No: 3:16-cv-05921-WHA

AT&T	
IP Address	Date/Time UTC
108.239.176.87	6/8/2016 3:47

Invoice Date: March 28, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.239.176.87 CASE# 3:16-CV-05921-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.239.176.87 CASE# 3:16-CV-05921-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Invoice Date: March 28, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Remitted By: PILLAR LAW GROUP, A PLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:
[REDACTED]

From: BF

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/6/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 3/28/2017**

RE: MALIBU MEDIA LLC V JOHN DOE 108.239.176.87 CASE# 3:16-CV-05921-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

AO 88E (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.239.176.87, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05921-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT
 INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.239.176.87	06/08/2016 03:47:47

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 -- Telephone: (310) 734-4269- E-mail: henry@mosesi.com
.....

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05921 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.239.176.87,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

[Redacted]

BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-848-840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [Redacted] who being duly sworn, deposes and says:

[Redacted] **I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.**

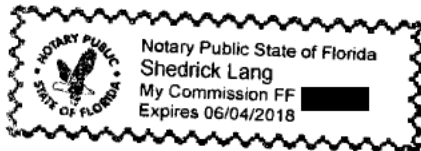
108.239.176.87

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst

[Redacted]

The foregoing affidavit was sworn to and subscribed before me by [Redacted] who is personally known to me.

March 27, 2017



[Redacted]

Serial Number (if any)

GLOBAL LEGAL DEMAND CENTER

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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SALINAS CA 93907-8885

[REDACTED]

SLNS CA 93907

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Case Number: 3:16-cv-6155-WHA

Maxmind Geolocation Trace City: Burlingame, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 25, 2016

Voluntary Dismissal: Plaintiff dismissed this case on February 27, 2017 after it was notified that AT&T could not identify the defendant.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA188
Case No.: 3:16-cv-6155-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06155 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.242.182.35,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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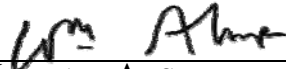
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.242.182.35, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06155-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.242.182.35	07/04/2016 02:25:25

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA188) Malibu Media v. John Doe

Case No: 3:16-cv-06155-WHA

AT&T	
IP Address	Date/Time UTC
108.242.182.35	7/4/2016 2:25

Invoice Date: February 21, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.242.182.35 CASE# 3:16-CV-06155-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.242.182.35 CASE# 3:16-CV-06155-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: February 21, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, APLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**National Court Order Compliance
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

File Code:



From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 2/22/2017

X No records found per the request



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.242.182.35, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06155-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
 PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.242.182.35	07/04/2016 02:25:25

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06155 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.242.182.35,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.


1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

5

6 Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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Case Number: 3:16-cv-05739-WHA

Maxmind Geolocation Trace City: Clearlake, CA

ISP Response Trace City: Kelseyville, CA

Correct District: Yes

Date Filed: October 6, 2016

Voluntary Dismissal: Plaintiff filed a notice of voluntary dismissal on April 17, 2017 because after an investigation it determined that the defendant was an elderly woman. Although it appeared as if one of her sons may have been the infringer, Plaintiff determined not to proceed with its case because Plaintiff has stated in the past it does not pursue cases against the elderly.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA189
Case No.: 3:16-cv-05739-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05739 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.243.38.8,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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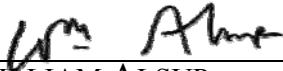
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.243.38.8, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05739-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.243.38.8	04/21/2016 11:31:25

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA189) Malibu Media v. John Doe

Case No: 3:16-cv-05739-WHA

AT&T	
IP Address	Date/Time UTC
108.243.38.8	4/21/2016 11:31

Invoice Date: March 28, 2017

Invoice Number: [REDACTED]

Billing Fax: [REDACTED]

Bill To:
 PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.243.38.8 CASE# 3:16-CV-05739-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.243.38.8 CASE# 3:16-CV-05739-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: March 28, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, A PLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:

From: BF

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/6/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 3/28/2017**

RE: MALIBU MEDIA LLC V JOHN DOE 108.243.38.8 CASE# 3:16-CV-05739-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.243.38.8, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05739-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
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 Facsimile: (888) 938-4715
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Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR */s/ Henrik Mosesi, Esq.*
Henrik Mosesi, Esq.

.....
 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05739 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.243.38.8,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


- 1 Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
 until the deadline set by Rule 4(m)). Any requests to extend that deadline
 shall be made immediately as circumstances justifying the extension
 arise, rather than at the last minute. Malibu Media must support
 any assertion that defendant is dodging service with an affidavit
 of non-service (to be filed under seal, with defendant's identifying
 information redacted on the public docket). Malibu Media shall please
 file a notice informing the Court of the date on which it received
 defendant's identifying information no later than **FIVE CALENDAR DAYS**
 after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
 communication, that defendant's IP address was assigned to a physical
 address outside this district, it shall, within **21 CALENDAR DAYS** from the
 date on which it learned that information, dismiss the action or **SHOW**
 CAUSE why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

██████████ BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared ██████████ who being duly sworn, deposes and says:

██████████ I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

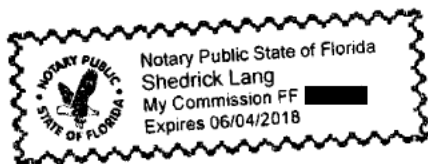
108.243.38.8

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

████████████████████

The foregoing affidavit was sworn to and subscribed before me by ██████████, who is personally known to me.

March 27, 2017



████████████████████
████████████████████

Serial Number (if any)

GLOBAL LEGAL DEMAND CENTER



[REDACTED]
KELSEYVILLE CA 95451-8869

Case Number: 3:16-cv-6249-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 28, 2016

Status: Plaintiff has not yet received the identity of the Defendant from Defendant's Internet Service Provider. Plaintiff expects to receive it June 2, 2017 per its communications with AT&T.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA190

Case No.: 3:16-cv-6249-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06249 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.66.4.102,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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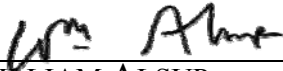
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.66.4.102, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06249-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.66.4.102	07/07/2016 13:21:45

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA190) Malibu Media v. John Doe

Case No: 3:16-cv-06249-WHA

AT&T	
IP Address	Date/Time UTC
108.66.4.102	7/7/2016 13:21

Case Number: 3:16-cv-5847-WHA

Maxmind Geolocation Trace City: San Mateo, CA

ISP Response Trace City: N/A

Correct District: Yes

Date Filed: October 11, 2016

Voluntary Dismissal: On April 5, 2017, Plaintiff filed a voluntary dismissal with prejudice because Plaintiff reached a settlement Defendant's counsel. And, although Plaintiff never received a response from Defendant's ISP, Defendant's counsel did verify the name of the Defendant and address, which was located in San Mateo, CA.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA191

Case No.: 3:16-cv-5847-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05847 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.69.129.69,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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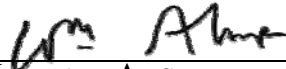
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.69.129.69, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05847-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.69.129.69	06/02/2016 14:49:34

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA191) Malibu Media v. John Doe

Case No: 3:16-cv-05847-WHA

AT&T	
IP Address	Date/Time UTC
108.69.129.69	6/2/2016 14:49

Case Number: 3:16-cv-5843-WHA

Maxmind Geolocation Trace City: Newark, CA

ISP Response Trace City: Fremont, CA

Correct District: Yes

Date Filed: October 11, 2016

Voluntary Dismissal: On April 25, 2017, Plaintiff filed a voluntary dismissal with prejudice because Plaintiff reached a settlement Defendant's counsel.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA192
Case No.: 3:16-cv-5843-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05843 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.77.237.167,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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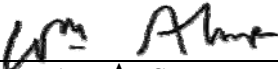
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.77.237.167, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05843-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.77.237.167	06/01/2016 12:46:53

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

the discovery.

(e) 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

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA192) Malibu Media v. John Doe

Case No: 3:16-cv-05843-WHA

AT&T	
IP Address	Date/Time UTC
108.77.237.167	6/1/2016 12:46

Invoice Date: March 29, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.77.237.167 CASE# 3:16-CV-05843-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.77.237.167 CASE# 3:16-CV-05843-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: March 29, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, A PLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:



From: BF

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 3/24/2017
Received On: 3/27/2017**

**Number of Pages:
Date: 3/28/2017**

RE: MALIBU MEDIA LLC V JOHN DOE 108.77.237.167 CASE# 3:16-CV-05843-WHA

- Attached is our response based on the ruling of the Motion to Quash.
- Records have been provided as ordered in the ruling of the attached Motion to Quash.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

Plaintiff,

No. C 16--05843 WHA

v.

JOHN DOE, subscriber assigned IP address
108.77.237.167,

Defendant.

**ORDER DENYING MOTION
TO QUASH AND MOTION
TO CONTINUE CASE
MANAGEMENT
CONFERENCE**

Malibu Media seeks to continue the case management conference scheduled for March 30 inasmuch as it has not yet received defendant's identity in response to the subpoena on AT&T Internet Services (Dkt. No. 14). Meanwhile, counsel for defendant has appeared, seeking to quash the subpoena (Dkt. No. 13).

Defendant argues that the subpoena should be quashed or stayed, contending he never had or distributed the copyrighted materials at issue, but may know who the proper defendant is. In his brief, defendant stated he offered to provide Malibu Media with "unfettered access" to his computer but received no response from counsel for Malibu Media, though there is no sworn statement to support that contention (Def.'s Mtn. at 1). Defendant's primary concern appears to be the possibility that he will be publicly identified in an action involving piracy of pornographic videos.

Defendant's objections are not a proper basis for staying or quashing the subpoena, so that request is DENIED. Nevertheless, a protective order is already in place requiring Malibu

United States District Court
For the Northern District of California

1 Media to file all documents with identifying information about defendant under seal, with that
2 identifying information redacted on the public record. (Defendant may also file such
3 documents under seal.)

4 Malibu Media's request to continue the case management conference is also **DENIED**.
5 Although defendant has not been served, defense counsel has already appeared, so there is no
6 reason to delay. At the case management conference, counsel for Malibu Media shall come
7 prepared to explain their failure to respond to defense counsel for more than one week. Both
8 sides shall also come prepared to discuss an expedited discovery schedule that would facilitate
9 an early summary judgment motion by defendant, based on the representations in his brief.

10 Finally, if defense counsel feels the protective order already in place is insufficient, they
11 may suggest additional terms at the case management conference.

12
13 **IT IS SO ORDERED.**

14
15 Dated: March 24, 2017.

16 
17 _____
18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
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United States District Court
For the Northern District of California

From: Henrik Mosesi [mailto:hmosesi@gmail.com]
Sent: Monday, March 27, 2017 11:04 AM
To: ATT Mobility Compliance Center <compcent@att.com>
Subject: Malibu Media v. John Doe, 3:16-cv-5843-WHA

Attention: Legal Compliance

Kindly see the attached Order Denying Motion to Quash and Subpoena with respect to the above-referenced case number.

If you have any questions, please contact me at 310-734-4269.

Regards,

--
Henrik Mosesi, Esq.
Law Offices of Henrik Mosesi
433 N. Camden Dr., 6th Fl
Beverly Hills, CA 90210
Tel: 310-734-4269
Fax: 310-734-4053
mosesi.com

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05843 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.77.237.167,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

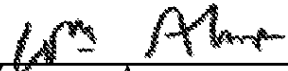
- 1 • Malibu Media may not use any information disclosed by AT&T for any
2 purpose other than protecting its rights as set forth in the complaint.
- 3 • AT&T shall, in turn, serve a copy of the subpoena and a copy of this
4 order on the subscriber within **TWENTY-FOUR DAYS** of the date of service
5 on AT&T.
- 6 • The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**
7 from the date of service on AT&T. AT&T shall not disclose any
8 identifying information about defendant to Malibu Media prior to the
9 return date or, if a motion to quash or modify the subpoena is filed, prior
10 to the resolution of any motions to quash or modify the subpoena.
11 Malibu Media must inform AT&T if any such motion is filed.
- 12 • Malibu Media shall not disclose defendant's name, address, telephone
13 number, email, social media username, or any other identifying
14 information, other than defendant's IP address, that it may subsequently
15 learn. All documents including defendant's identifying information,
16 apart from his or her IP address, shall be filed under seal, with all such
17 information redacted on the public docket, unless and until the Court
18 orders otherwise and only after defendant has had an opportunity to
19 challenge the disclosure of any identifying information. Malibu Media
20 explicitly consented to the inclusion of such a protection in its motion.
- 21 • Unless otherwise provided, both sides may file under seal any of
22 defendant's identifying information pursuant to this order, without
23 seeking further leave to file under seal. A version with all identifying
24 information redacted shall be filed on the public docket.
- 25 • Malibu Media must seek leave to serve subpoenas on any other Internet
26 service provider besides AT&T in this matter.
- 27 • Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it
28 receives defendant's identifying information from AT&T (or, if later,
until the deadline set by Rule 4(m)). Any requests to extend that deadline
shall be made immediately as circumstances justifying the extension
arise, rather than at the last minute. Malibu Media must support
any assertion that defendant is dodging service with an affidavit
of non-service (to be filed under seal, with defendant's identifying
information redacted on the public docket). Malibu Media shall please
file a notice informing the Court of the date on which it received
defendant's identifying information no later than **FIVE CALENDAR DAYS**
after receiving that information.
- If Malibu Media learns, whether through subpoena response or other
communication, that defendant's IP address was assigned to a physical
address outside this district, it shall, within **21 CALENDAR DAYS** from the
date on which it learned that information, dismiss the action or **SHOW**
CAUSE why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.77.237.167, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05843-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.77.237.167	06/01/2016 12:46:53

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com
.....

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
--

.....

(NCA192) Malibu Media v. John Doe

Case No: 3:16-cv-05843-WHA

AT&T	
IP Address	Date/Time UTC
108.77.237.167	6/1/2016 12:46

2150642.003 BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

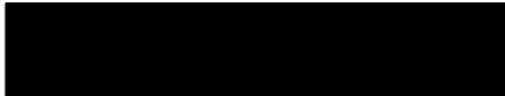
VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposes and says:

[REDACTED] **I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.**

108.77.237.167



The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.



March 28, 2017

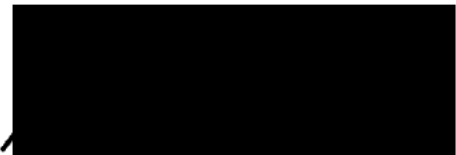
The foregoing affidavit was sworn to and subscribed before me by [REDACTED] who is personally known to me.

March 28, 2017

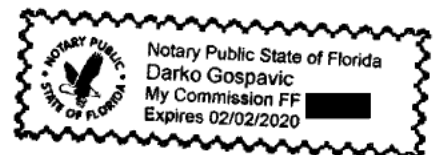
Notary Public, State of Florida

Printed Name

Serial Number (if any)



GLOBAL LEGAL DEMAND CENTER



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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FMT CA 94536

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[REDACTED]

[REDACTED]



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:

From: BF

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/6/2017
Received On: 2/7/2017**

**Number of Pages:
Date: 3/28/2017**

RE: MALIBU MEDIA LLC V JOHN DOE 108.77.237.167 CASE# 3:16-CV-05843-WHA

- AT&T is unable to respond to the request until the attached Application for Motion to Quash has been ruled on.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

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1 **TREVOR J. ZINK, ESQ. (218860)**
OMNI LAW GROUP, LLP
 1940 Hamilton Avenue
 2 San Jose, CA 95125
 Telephone: (408) 879-8500
 3 Facsimile: (408) 879-8501

4 Attorneys for Defendant
 JOHN DOE Subscriber Assigned to
 5 IP Address 108.77.237.167

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9
 10 MALIBU MEDIA, LLC,

11 Plaintiff,

12 v.

13 JOHN DOE subscriber assigned IP
 Address 108.77.237.167,

14 Defendant.

CASE NO.: 3:16-cv-05843-WHA

**DEFENDANT'S NOTICE OF MOTION
 AND MOTION TO QUASH SUBPOENA**

Date: April 27, 2017
Time: 8:00 a.m.
Location: 450 Golden Gate Ave.
San Francisco, CA 94102

Dept: 8
Judge: Hon. William Alsup

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 18 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD HEREIN:

19 NOTICE IS HEREBY GIVEN that on **April 27, 2017, at 8:00 a.m.**, or as soon thereafter
 20 as the matter may be heard in Department 8 of the this Court located at 450 Golden Gate
 21 Avenue, San Francisco, CA 94102, pursuant to F.R.C.P. Rule 45(d)(3), Defendant John Doe
 22 Subscriber Assigned to IP Address 108.77.237.167 (hereinafter the "Defendant") will move this
 23 Court for an order quashing the deposition subpoena seeking the disclosure of Defendant's
 24 private information, namely, his or her identity.

25 This motion will be made on the grounds that Defendant's right to privacy outweighs
 26 Plaintiff's right to obtain the information since Defendant has offered other reasonable means of
 27 resolving the pending matter.

28 This motion will be based on this Notice of Motion, on the accompanying Declaration of

1 Defendant, the Memorandum of Points and Authorities served and filed herewith, on all papers
2 and records on file in the above-entitled action, and on such oral and documentary evidence as
3 may be presented at the hearing of this motion.

4 Dated: March 22, 2017

OMNI LAW GROUP, LLP

6
7 By: _____ /s/_____
8 TREVOR J. ZINK, ESQ.
9 Attorneys for Defendant
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1 **TREVOR J. ZINK, ESQ. (218860)**
OMNI LAW GROUP, LLP
 1940 Hamilton Avenue
 2 San Jose, CA 95125
 Telephone: (408) 879-8500
 3 Facsimile: (408) 879-8501

4 Attorneys for Defendant
 JOHN DOE Subscriber Assigned to
 5 IP Address 108.77.237.167

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 MALIBU MEDIA, LLC,
 10
 11 Plaintiff,
 12 v.
 13 JOHN DOE subscriber assigned IP
 Address 108.77.237.167,
 14 Defendant.

CASE NO.: 3:16-cv-05843-WHA
**MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF
 MOTION TO QUASH SUBPOENA**
 Date: April 27, 2017
 Time: 8:00 a.m.
 Location: 450 Golden Gate Ave.
 San Francisco, CA 94102
 Dept: 8
 Judge: Hon. William Alsup

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 18 **FACTUAL BACKGROUND**

19 The underlying case relates to Plaintiff's allegations that Defendant, who is presently
 20 unknown to Plaintiff, has infringed Plaintiff's copyrights by distributing certain copyrighted
 21 films on the internet. The subject films are alleged to be pornographic in nature. Plaintiff served
 22 a subpoena on AT&T for the purpose of identifying Defendant by name and address, the purpose
 23 of which is to amend Plaintiff's complaint and name Defendant as the defendant in the action.

24 Defendant, through legal counsel, has informed Plaintiff's counsel that he/she does not
 25 have the copyrighted materials, never had the copyrighted materials, and never distributed the
 26 copyrighted materials, but may know who did the alleged wrongful acts using Defendant's IP
 27 address. Defendant has offered to provide Plaintiff with unfettered access to Defendant's
 28 computer so as to ascertain the truth of what Defendant is asserting. Defendant's attorney

1 corresponded with Plaintiff's attorney through email and offered to work with Plaintiff to resolve
2 this issue. Defendant's attorney asked if there could be a temporary stay on the enforcement of
3 the subpoena to allow time to work the matter out, and if a reasonable resolution could not be
4 had in that process, then the subpoena process could proceed. After more than a week, Plaintiff
5 has still not responded to this request.

6 Defendant knows that if AT&T provides Defendant's name and address that Plaintiff will
7 amend its complaint and name Defendant as the defendant. Defendant is horrified to think that
8 he/she will be named as a defendant in an action alleging that he/she was distributing
9 pornographic materials. Accordingly, Defendant is requesting that the Court prevent AT&T
10 from disclosing the information as other reasonable means of resolving this issue are present.

11 LEGAL ANALYSIS

12 Standing

13 Defendant has standing to bring this motion to quash a subpoena to a third party deponent
14 since Defendant has a personal right and privilege in the information being sought, namely
15 Defendant's identity and address.

17 Right to Privacy

18 Both the U.S. Constitution and the California Constitution guarantee Defendant a
19 reasonable right to privacy. Federal courts, in the discretion of the judge, generally permit
20 anonymity to continue where there is no unfairness to the other party. *See James v. Jacobson*, 6
21 F.3d 233, 238 (4th Cir.1993). Additionally, F.R.C.P. Rule 45(d)(3)(a)(iii) states that the Court
22 "must quash or modify a subpoena that ... requires disclosure of privileged or other protected
23 matter, if no exception or waiver applies."

24 In the present matter, Defendant has a reasonable expectation that his/her computer-based
25 activities remain confidential and not be disclosed simply because someone makes an allegation
26 in a complaint. While there is ample case law holding that such information may be disclosed in
27 similar situations, the present situation differs in that Defendant is offering to provide Plaintiff
28 with all of the information needed to determine that Defendant never possessed the copyrighted

1 **TREVOR J. ZINK, ESQ. (218860)**
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 2 San Jose, CA 95125
 Telephone: (408) 879-8500
 3 Facsimile: (408) 879-8501

4 Attorneys for Defendant
 JOHN DOE Subscriber Assigned to
 5 IP Address 108.77.237.167

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9
 10 MALIBU MEDIA, LLC,

11 Plaintiff,

12 v.

13 JOHN DOE subscriber assigned IP
 Address 108.77.237.167,

14 Defendant.

CASE NO.: 3:16-cv-05843-WHA

**DECLARATION OF JOHN DOE IN
 SUPPORT OF MOTION TO QUASH
 SUBPOENA**

Date: April 27, 2017
Time: 8:00 a.m.
Location: 450 Golden Gate Ave.
 San Francisco, CA 94102

Dept: 8
Judge: Hon. William Alsup

15
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 17
 18 I, the JOHN DOE Defendant named herein, hereby state and declare as follows:

19 1. I am an individual residing in California and am the John Doe Defendant named
 20 herein. I have knowledge of the facts set forth herein, and if called to testify, I could and would
 21 competently do so.

22 2. I have never disseminated any of the copyrighted information alleged in the
 23 underlying complaint. However, I may have information that would assist in identifying the
 24 individual who did disseminate the copyrighted information using my IP Address.

25 3. I have offered to assist Plaintiff in whatever reasonable means are available
 26 without disclosing my identity at this time as I know that Plaintiff will name me personally as a
 27 defendant in this action if my identity is disclosed. I would be horrified to think that my name
 28 would be put into a publicly available document alleging that I stole pornographic materials and

1 **TREVOR J. ZINK, ESQ. (218860)**
OMNI LAW GROUP, LLP
 1940 Hamilton Avenue
 2 San Jose, CA 95125
 Telephone: (408) 879-8500
 3 Facsimile: (408) 879-8501

4 Attorneys for Defendant
 JOHN DOE Subscriber Assigned to
 5 IP Address 108.77.237.167

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 MALIBU MEDIA, LLC,

10 Plaintiff,

11 v.

12 JOHN DOE subscriber assigned IP
 13 Address 108.77.237.167,

14 Defendant.

CASE NO.: 3:16-cv-05843-WHA

PROPOSED ORDER

Date: April 27, 2017
Time: 8:00 a.m.
Location: 450 Golden Gate Ave.
 San Francisco, CA 94102

Dept: 8
Judge: Hon. William Alsup

17
 18 Having read and considered the foregoing Motion by Defendant to quash the
 19 deposition subpoena served on AT&T requesting the production of Defendants identity
 20 and address, and good cause appearing therefor, the Court HEREBY ORDERS THAT:

- 21 1. Defendant’s motion is GRANTED.
- 22 2. Plaintiff’s subpoena to AT&T seeking Defendant’s identity and address is
- 23 hereby quashed.
- 24 3. Plaintiff and Defendant shall work together in an attempt to establish whether
- 25 Defendant has any connection to the dissemination of the subject copyrighted
- 26 materials, and if Plaintiff is not satisfied after such efforts, Plaintiff may serve
- 27 a subsequent subpoena on AT&T seeking the identifying information.
- 28 4. Defendant shall serve this order on all parties within five (5) days of the entry

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of this order.

IT IS SO ORDERED

Dated: _____

HON. WILLIAM ALSUP
U.S. DISTRICT COURT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.77.237.167, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05843-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.77.237.167	06/01/2016 12:46:53

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

.....
 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

.....

Case Number: 3:16-cv-06108-WHA

Maxmind Geolocation Trace City: Albany, CA

ISP Response Trace City: Albany, CA

Correct District: Yes

Date Filed: October 23, 2016

Voluntary Dismissal: Plaintiff received Defendant's identity on or around March 24, 2017 and immediately began its investigation on Defendant.

After it completed its investigation, Plaintiff determined that the evidence most likely identified the subscriber as the infringer based on the length of infringement, geographic location and apparent lack of access by any third party to Defendant's Internet during the time of infringement.

Unfortunately, however, Plaintiff's investigation took two weeks and Plaintiff did not file its Amended Complaint until April 5, 2017. Plaintiff did not receive the Summons until April 26, 2017. Plaintiff's extension to serve the Defendant was denied without prejudice. Because Plaintiff's counsel did not request the summons in person, Plaintiff felt that a renewed extension would not be considered good faith, and dismissed its case.

Plaintiff apologizes to the Court for its undue delay and in the future, should it file additional cases in this District, it will ensure it has counsel appear personally to pick up the summons and avoid any unnecessary extension requests.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA193
Case No.: 3:16-cv-06108-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06108 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.78.248.226,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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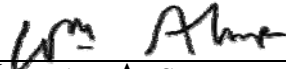
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.78.248.226, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06108-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO
PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.78.248.226	06/25/2016 20:22:19

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA193) Malibu Media v. John Doe

Case No: 3:16-cv-06108-WHA

AT&T	
IP Address	Date/Time UTC
108.78.248.226	6/25/2016 20:22



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: [REDACTED]

From: SEP

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 3/24/2017

RE: MALIBU MEDIA LLC VS JOHN DOE 3:16-CV-06108-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

Invoice Date: March 24, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC VS JOHN DOE 3:16-cv-06108-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC VS JOHN DOE 3:16-cv-06108-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Invoice Date: March 24, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06108 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.78.248.226,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.78.248.226, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06108-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.78.248.226	06/25/2016 20:22:19

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

_____ OR _____
Signature of Clerk or Deputy Clerk */s/ Henrik Mosesi, Esq.*
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA193) Malibu Media v. John Doe

Case No: 3:16-cv-06108-WHA

AT&T	
IP Address	Date/Time UTC
108.78.248.226	6/25/2016 20:22

SEP



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposes and says:

My name is [REDACTED]. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 09/15/2008. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

108.78.248.226

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

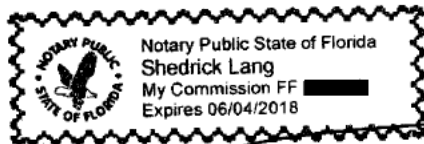
[REDACTED]

March 23, 2017

The foregoing affidavit was sworn to and subscribed before me by Sebastian Parra, who is personally known to me.

March 23, 2017

[REDACTED]



GLOBAL LEGAL DEMAND CENTER



U-Verse Customer Account Details

Important Note: AT&T U-Verse internet access accounts do not have traditional session records with a standard log on/log off format. U-Verse customers have a unique IP directly provisioned to the account. Please reference the Historical IP Provisioning section below for dates and specific details.

>Current Account Information

BAN:	[REDACTED]
Circuit Id:	[REDACTED]
CMS Policy:	[REDACTED]
DHCP Relay:	[REDACTED]
DSLAM:	[REDACTED]
HSIA Registered:	[REDACTED]
IP:	108.78.248.226
MAC Addr:	[REDACTED]
MemberId	[REDACTED]

>Historical IP Provisioning

TXID	DATE	RC	Message	Key/Vals
[REDACTED]	01/05/2016 14:34:59	100	Ok	ban: [REDACTED] [REDACTED] sbcgnfttxdhcprelayaddress: [REDACTED] [H] ip: 108.78.248.226 [H] ip_assigned: 108.78.248.226 [H] rg: [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED] [REDACTED]



>Subscriber Information

Primary Contact Information

Contact Name: [REDACTED]
 CBR: [REDACTED]
 ALT CBR: [REDACTED]
 Preferred Email: [REDACTED]

Authenticated By: Passcode / QA

Flashes

Account Information Open

Account Id: [REDACTED]
 Account Name: [REDACTED]
 Member Id: [REDACTED]
 Established: 03/04/2011
 Sub Type: Consumer
 Business Type:
 Network Type: FTTN
 Billing: [REDACTED]
 Bill Cycle: 17
 Bill Media: Paperless
 AutoPay: Yes
 Bill Language: English

Search Now Unsaved Search [Settings] [Dropdown]

First Name	Last Name	Contact Role	CBR Type	CBR	CVoIP TN	Preferred Email Address
[REDACTED]	[REDACTED]	Primary	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Search Now Unsaved Search [Settings] [Dropdown] View All 4 F

Type	Status	House Number and Street Name	City	State	Zip	Listed Name	CVoIP TN	Update On	Validated
Service	Active	[REDACTED]	ALBY	CA	94706			6/6/2011 12:20 PM	Yes
Billing	Active	[REDACTED]	ALBANY	CA	94706			6/12/2011 12:00 AM	Yes
Directory Listing	Active	[REDACTED]	ALBY	CA	94706	[REDACTED]		1/26/2016 10:55 PM	Yes
E911	Active	[REDACTED]	ALBY	CA	94706			1/26/2016 10:55 PM	Yes

Case Number: 3:16-cv-5926-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: San Francisco, CA

Correct District: Yes

Date Filed: October 13, 2016

Voluntary Dismissal: Plaintiff filed its dismissal on April 7, 2017. On April 4, 2017 Plaintiff received Defendant's identifying information. Plaintiff immediately conducted an investigation and determined that the subscriber lives with his wife and adult child. Plaintiff's investigators largely believed that the adult child was the actual infringer, but also that he suffered financial difficulties. Based on the suspected infringer's hardship, Plaintiff determined it was not in either party's best interest to proceed.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA194
Case No.: 3:16-cv-5926-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05926 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.85.29.158,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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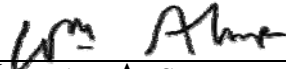
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.85.29.158, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05926-WHA
---	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.85.29.158	06/15/2016 01:46:58

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: <u>(310) 734-4269</u>	Date and Time: March 24, 2017 @ 9:30 a.m.
---	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ *Henrik Mosesi, Esq.*
Henrik Mosesi, Esq.

 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.**(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA194) Malibu Media v. John Doe

Case No: 3:16-cv-05926-WHA

AT&T	
IP Address	Date/Time UTC
108.85.29.158	6/15/2016 1:46

Invoice Date: April 04, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.85.29.158 CASE# 3:16-CV-05926-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 108.85.29.158 CASE# 3:16-CV-05926-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
 Phone: 1-800-635-6840

Invoice Date: April 4, 2017
 Invoice Number: [REDACTED]
 File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
 11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

Remitted By: LAW OFFICES OF HENRIK MOSESI
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

_____	EXP DATE _____
Credit Card Number	Credit Card Type (Visa, MasterCard, Amex, etc)
_____	_____
Printed Name	Name As It Appears on the Credit Card
_____	_____
Address for Credit Card	City/State/Zip Code for Credit Card
_____	_____
Signature	Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: [REDACTED]

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/4/2017

RE: MALIBU MEDIA LLC V JOHN DOE 108.85.29.158 CASE# 3:16-CV-05926-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05926 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.85.29.158,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

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- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.85.29.158, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05926-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.85.29.158	06/15/2016 01:46:58

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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.



SAN FRANCISCO CA 94112-4129

Case Number: 3:16-cv-5970-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 17, 2016

Voluntary Dismissal: On April 7, 2017, Plaintiff filed its Notice of Voluntary Dismissal because it reached settlement with Defendant's counsel. Plaintiff never learned the identity of the Defendant in this case.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA195

Case No.: 3:16-cv-5970-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05970 WHA

v.

JOHN DOE subscriber assigned IP
Address 108.89.36.115,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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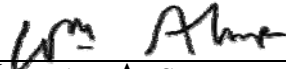
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 108.89.36.115, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05970-WHA
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR
TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
108.89.36.115	06/19/2016 15:59:31

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosezi, Esq.
Henrik Mosezi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosezi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA195) Malibu Media v. John Doe

Case No: 3:16-cv-05970-WHA

AT&T	
IP Address	Date/Time UTC
108.89.36.115	6/19/2016 15:59



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:

From: SHC

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 3/27/2017
Received On: 3/27/2017**

**Number of Pages:
Date: 3/30/2017**

- Per your request, this file has been closed.

IMPORTANT NOTICE:

AT&T's preferred method of response is via email. Please include an email address on future requests.

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

From: Henrik Mosesi <hmosesi@gmail.com>
Sent: Monday, March 27, 2017 3:16 PM
To: ATT Mobility Compliance Center
Cc: Nicholas Ranallo
Subject: Notice of Abeyance; Malibu Media v. John Doe; Case No. 3:16-cv-5970-WHA;

NOTICE OF ABEYANCE AGREEMENT

To: Legal Compliance,
AT&T Internet Services
11760 Highway 1, Suite 100
North Palm Beach, FL 33408

REF: Malibu Media, LLC v. John Doe
Case No. 3:16-cv-5970-WHA
DISTRICT OF NORTHERN CALIFORNIA
SUBPOENA DUCES TECUM

Dear Sir or Madam:

Please be advised that we have negotiated a settlement with Mr. Nicholas Ranallo, the attorney who represents the subscriber who was assigned the IP address 108.89.36.115 on the date of the alleged infringement. This subscriber is John Doe in the above referenced case. Please do not permit AT&T to send me this subscriber's identity unless instructed otherwise by me.

Respectfully submitted,

Henrik Mosesi, Esq.
Law Offices of Henrik Mosesi
433 N. Camden Dr., 6th Fl.
Beverly Hills, CA 90210
Tel: 310-734-4269
Fax: 310-734-4053
mosesi.com



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:

From: SHC

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 3/27/2017
Received On: 3/27/2017**

**Number of Pages:
Date: 3/30/2017**

- Per your request, this file has been closed.

IMPORTANT NOTICE:

AT&T's preferred method of response is via email. Please include an email address on future requests.

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

From: Henrik Mosesi <hmosesi@gmail.com>
Sent: Monday, March 27, 2017 3:16 PM
To: ATT Mobility Compliance Center
Cc: Nicholas Ranallo
Subject: Notice of Abeyance; Malibu Media v. John Doe; Case No. 3:16-cv-5970-WHA;

NOTICE OF ABEYANCE AGREEMENT

To: Legal Compliance,
AT&T Internet Services
11760 Highway 1, Suite 100
North Palm Beach, FL 33408

REF: Malibu Media, LLC v. John Doe
Case No. 3:16-cv-5970-WHA
DISTRICT OF NORTHERN CALIFORNIA
SUBPOENA DUCES TECUM

Dear Sir or Madam:

Please be advised that we have negotiated a settlement with Mr. Nicholas Ranallo, the attorney who represents the subscriber who was assigned the IP address 108.89.36.115 on the date of the alleged infringement. This subscriber is John Doe in the above referenced case. Please do not permit AT&T to send me this subscriber's identity unless instructed otherwise by me.

Respectfully submitted,

Henrik Mosesi, Esq.
Law Offices of Henrik Mosesi
433 N. Camden Dr., 6th Fl.
Beverly Hills, CA 90210
Tel: 310-734-4269
Fax: 310-734-4053
mosesi.com

Case Number: 3:16-cv-5828-WHA

Maxmind Geolocation Trace City: Fremont, CA

ISP Response Trace City: Newark, CA

Correct District: Yes

Date Filed: October 9, 2016

Voluntary Dismissal: Plaintiff filed its dismissal on May 5, 2017 because Defendant's ISP was unable to provide Plaintiff with Defendant's name. All AT&T could provide to Plaintiff was an address and the name "Sonic Customer." Based on this information, Plaintiff was unable to complete its investigation and therefore did not feel appropriate moving forward with its case.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA196
Case No.: 3:16-cv-5828-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05828 WHA

v.

JOHN DOE subscriber assigned IP
Address 162.226.173.100,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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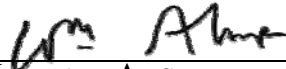
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 162.226.173.100, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05828-WHA
---	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
162.226.173.100	05/30/2016 08:56:13

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosei, Esq.
Henrik Mosei, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosei, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

<p>If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).</p>

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA196) Malibu Media v. John Doe

Case No: 3:16-cv-05828-WHA

AT&T	
IP Address	Date/Time UTC
162.226.173.100	5/30/2016 8:56

Invoice Date: April 04, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 162.226.173.100 CASE# 3:16-CV-05828-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 162.226.173.100 CASE# 3:16-CV-05828-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: April 4, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: 

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/4/2017

RE: MALIBU MEDIA LLC V JOHN DOE 162.226.173.100 CASE# 3:16-CV-05828-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05828 WHA

v.

JOHN DOE subscriber assigned IP
Address 162.226.173.100,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 162.226.173.100, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05828-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
162.226.173.100	05/30/2016 08:56:13

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Invoice Date: April 04, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 162.226.173.100 CASE# 3:16-CV-05828-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE 162.226.173.100 CASE# 3:16-CV-05828-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Invoice Date: April 4, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Federal Tax ID: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: [REDACTED]

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/4/2017

RE: MALIBU MEDIA LLC V JOHN DOE 162.226.173.100 CASE# 3:16-CV-05828-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05828 WHA

v.

JOHN DOE subscriber assigned IP
Address 162.226.173.100,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 162.226.173.100, <p style="text-align: center;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05828-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
162.226.173.100	05/30/2016 08:56:13

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposes and says:

My name is [REDACTED] I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

162.226.173.100

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

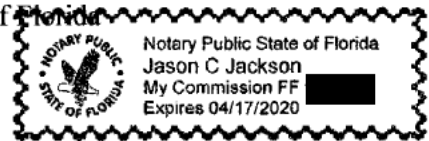
[REDACTED]

April 3, 2017

The foregoing affidavit was sworn to and subscribed before me by Brian Faulkner, who is personally known to me.

April 3, 2017

Notary Public, State of Florida



Printed Name

Serial Number (

[REDACTED]

GLOBAL LEGAL DEMAND CENTER



SERVICE ADDRESS:

[REDACTED]

NEWARK, CA 94560

BILLING ADDRESS:

[REDACTED]

SANTA ROSA, CA 95407

[REDACTED]

[REDACTED]

Case Number: 3:16-cv-6146-WHA

Maxmind Geolocation Trace City: Antioch, CA

ISP Response Trace City: Antioch, CA

Correct District: Yes

Date Filed: October 25, 2016

Voluntary Dismissal: Plaintiff filed a dismissal on April 4, 2017. After receiving Defendant's identity, Plaintiff's investigation determined that the infringer was most likely Defendant's husband. However, Defendant contacted Plaintiff and she explained her situation and that she survived only on social security. After Plaintiff's conversation with Defendant, Plaintiff did not desire to proceed with its case and accordingly, dismissed.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA197

Case No.: 3:16-cv-6146-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06146 WHA

v.

JOHN DOE subscriber assigned IP
Address 162.228.218.223,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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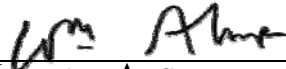
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 162.228.218.223, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06146-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
162.228.218.223	07/01/2016 15:30:50

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA197) Malibu Media v. John Doe

Case No: 3:16-cv-06146-WHA

AT&T	
IP Address	Date/Time UTC
162.228.218.223	7/1/2016 15:30



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:

From: LJH

**Phone Number: (310) 734-4269
HENRY@MOSESI.COM**

**Request Dated: 2/6/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 3/10/2017**

RE: MALIBU MEDIA LLC -VS- JOHN DOE/IP CASE NO: 3:16CV-06146-WHA

- All available requested subscriber information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued.

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

Invoice Date: March 09, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC -VS- JOHN DOE/IP	Processing Fee	1.0	[REDACTED]	[REDACTED]
	CASE NO: 3:16CV-06146-WHA				
[REDACTED]	MALIBU MEDIA LLC -VS- JOHN DOE/IP	Billed Usage	1.0	[REDACTED]	[REDACTED]
	CASE NO: 3:16CV-06146-WHA				

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]

ljh



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: March 9, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, A PLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06146 WHA

v.

JOHN DOE subscriber assigned IP
Address 162.228.218.223,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

[REDACTED] LJH



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposes and says:

My name is [REDACTED] I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 06/01/1994. Attached to this Affidavit are true and correct copies of subscriber information issued by AT&T.

IP ADDRESS: 162.228.218.223

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and

[REDACTED]

The foregoing affidavit was sworn to and subscribed before me by [REDACTED] who is personally known to me.

March 8, 2017

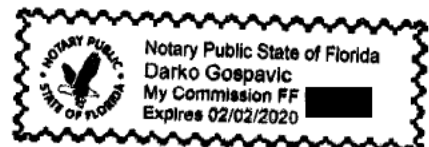
Notary Public, State of Florida

Printed Name

Serial Number (if any)

[REDACTED]

GLOBAL LEGAL DEMAND CENTER





>Subscriber Information

AT&T Interaction: [REDACTED]

Integrated Service Model Customer

<p>Primary Contact Information</p> <p>Contact Name: [REDACTED]</p> <p>CBR: [REDACTED]</p> <p>ALT CBR: [REDACTED]</p> <p>Preferred Email: [REDACTED]</p> <p>Authenticated By: Passcode / QA</p> <p>Flashes</p>	<p>Account Information</p> <p>Account Id: [REDACTED]</p> <p>Account Name: [REDACTED]</p> <p>Member Id: [REDACTED]</p> <p>Established: 07/16/2009</p> <p>Sub Type: Consumer</p> <p>Business Type: [REDACTED]</p> <p>Network Type: [REDACTED]</p> <p>Billing: [REDACTED]</p> <p>Bill Cycle: 5</p> <p>Bill Media: Paperless</p> <p>AutoPay: No</p> <p>Bill Language: English</p>	<p>Open</p>
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[Billing Profile](#)
[Orders](#)
[CPE History/Tracking](#)
[Credit Risk](#)
[Addresses](#)
[Acct Identifiers](#)
[Contracts Info](#)
[CC Details](#)
[Contacts](#)
[Flashes](#)
[Action Items](#)
[Attachments](#)
[Segmentation](#)
[Tax & Exemption](#)

Search Now [Unsaved Search](#) [View All](#) 4 Record(s)

Type	Status	House Number and Street Name	City	State	Zip	Listed Name	CVoIP TN	Update On	Validated
Service	Active	[REDACTED]	ANT	CA	94531			7/1/2016 8:46 PM	Yes
Billing	Active	[REDACTED]	ANTIOCH	CA	94531			12/23/2013 1:01 PM	Yes
Directory Listing	Active	[REDACTED]	ANT	CA	94531	[REDACTED]		12/27/2013 6:41 PM	Yes
E911	Active	[REDACTED]	ANT	CA	94531			12/27/2013 6:41 PM	Yes

[Billing Profile](#)
[Orders](#)
[CPE History/Tracking](#)
[Credit Risk](#)
[Addresses](#)
[Acct Identifiers](#)
[Contracts Info](#)
[CC Details](#)
[Contacts](#)
[Flashes](#)
[Action Items](#)
[Attachments](#)
[Segmentation](#)
[Tax & Exemption](#)

Search Now [Unsaved Search](#) [View All](#) 1 Record(s)

First Name	Last Name	Contact Role	CBR Type	CBR	CVoIP TN	Preferred Email Address
[REDACTED]	[REDACTED]	Primary	Home Phone	[REDACTED]	[REDACTED]	[REDACTED]

Case Number: 3:16-cv-05855-WHA

Maxmind Geolocation Trace City: Milpitas, CA

ISP Response Trace City: Milpitas, CA

Correct District: Yes

Date Filed: October 11, 2016

Voluntary Dismissal: Plaintiff filed its dismissal on May 5, 2017. On April 4, 2017, Plaintiff received the subscriber's identity. Although the IP address traced to a retail store, Plaintiff was quickly able to determine that the store had limited employees, and its additional evidence pinpointed, Defendant, the owner of the retail store, as the infringer.

On April 7, 2017 Plaintiff filed its Amended Complaint. Unfortunately, Plaintiff was unable to obtain the summons in this case until April 26, 2017. Plaintiff filed a motion to extend its service deadline, which was denied by this Court without prejudice. Plaintiff ultimately determined it had to dismiss this case because it had not made diligent efforts to receive the summons in person, causing unnecessary delays. Plaintiff and undersigned sincerely apologize to the Court for its errors causing these delays and assure the Court that, if in the future, Plaintiff files cases in this District, it will ensure it has counsel pick up the summons in person to avoid needlessly burdening the Court with additional extension requests.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA198
Case No.: 3:16-cv-05855-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05855 WHA

v.

JOHN DOE subscriber assigned IP
Address 172.9.234.15,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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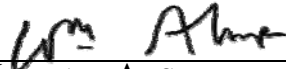
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 172.9.234.15, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05855-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
172.9.234.15	06/05/2016 22:53:31

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA198) Malibu Media v. John Doe

Case No: 3:16-cv-05855-WHA

AT&T	
IP Address	Date/Time UTC
172.9.234.15	6/5/2016 22:53

Invoice Date: April 04, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE CASE# 3:16-CV-05855-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE CASE# 3:16-CV-05855-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Invoice Date: April 4, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: [REDACTED]

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/4/2017

RE: MALIBU MEDIA LLC V JOHN DOE CASE# 3:16-CV-05855-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05855 WHA

v.

JOHN DOE subscriber assigned IP
Address 172.9.234.15,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <i>Plaintiff</i> v. John Doe subscriber assigned to IP address 172.9.234.15, <i>Defendant.</i>	Civil Action No: 3:16-cv-05855-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
Legal Compliance
11760 Highway 1
Suite 600
North Palm Beach, FL. 33408
Facsimile: (888) 938-4715
E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
172.9.234.15	06/05/2016 22:53:31

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

██████ BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared ██████████ who being duly sworn, deposes and says:

My name is ██████████ I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

172.9.234.15

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

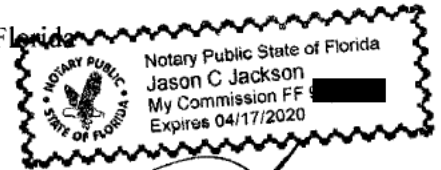
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April 3, 2017

The foregoing affidavit was sworn to and subscribed before me by Brian Faulkner, who is personally known to me.

April 3, 2017

Notary Public, State of Florida

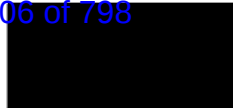


Printed Name

Serial Number

████████████████████

GLOBAL LEGAL DEMAND CENTER



MILPITAS CA 95035-4208



MILPTS CA 95035



Invoice Date: April 04, 2017

Invoice Number: 241791

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE CASE# 3:16-CV-05855-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA LLC V JOHN DOE CASE# 3:16-CV-05855-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: April 4, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: 2181409

From: BF

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/6/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 4/4/2017**

RE: MALIBU MEDIA LLC V JOHN DOE CASE# 3:16-CV-05855-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05855 WHA

v.

JOHN DOE subscriber assigned IP
Address 172.9.234.15,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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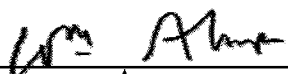
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 172.9.234.15, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05855-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
172.9.234.15	06/05/2016 22:53:31

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared ██████████ who being duly sworn, deposes and says:

My name is ██████████ I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

172.9.234.15

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

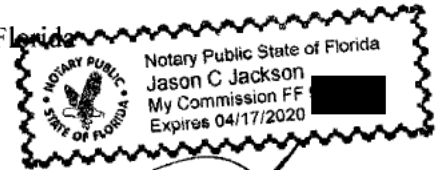
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April 3, 2017

The foregoing affidavit was sworn to and subscribed before me by ██████████ who is personally known to me.

April 3, 2017

Notary Public, State of Florida

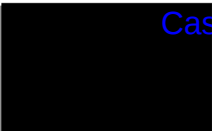


Printed Name

Serial Number

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GLOBAL LEGAL DEMAND CENTER



MILPITAS CA 95035-4208



MILPTS CA 95035



Case Number: 3:16-cv-5743-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 6, 2016

Voluntary Dismissal: Plaintiff voluntarily dismissed this case because Plaintiff inadvertently failed to file its Motion for Leave to Serve a Third Party Subpoena on the ISP and therefore did not receive the Defendant's identity. By the time Plaintiff realized this error, such a motion would have likely been denied as untimely. Plaintiff sincerely apologizes to the Court for its error and lack of due diligence.

Case Number: 3:16-cv-6111-WHA

Maxmind Geolocation Trace City: Sunnyvale, CA

ISP Response Trace City: Palo Alto, CA

Correct District: Yes

Date Filed: October 23, 2016

Voluntary Dismissal: Plaintiff received Defendant's identity on March 31, 2017 and immediately began its investigation on Defendant. It's investigation determined that the subscriber was the most likely infringer based on numerous matches from Plaintiff's additional evidence to Defendant's hobbies, interests, and work background.

Unfortunately, Plaintiff did not file its Amended Complaint until April 25, 2017. Plaintiff received the summons on April 26, 2017, and on April 28, 2017 requested an extension of service, which was denied without prejudice.

Because Plaintiff knew its investigation was not completed fast enough, Plaintiff did not renew its extension request, believing it could not show due diligence. Plaintiff and undersigned sincerely apologize to the Court for this inconvenience and assure the Court that if Plaintiff ever files suit in this District again, it will do so only in small increments and diligently manage its deadlines.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06111 WHA

v.

JOHN DOE subscriber assigned IP
address 24.130.56.150,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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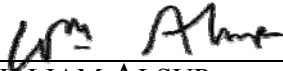
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 24.130.56.150, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06111-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
24.130.56.150	06/26/2016 13:49:43

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA200) Malibu Media v. John Doe

Case No: 3:16-cv-06111-WHA

Comcast	
IP Address	Date/Time UTC
24.130.56.150	6/26/2016 13:49



Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media LLC v. John Doe Subscriber assigned IP Address 24.130.56.150*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06111
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	City	State	Zip Code
[REDACTED]	24.130.56.150	06/26/2016	13:49:43 GMT	[REDACTED]	[REDACTED]	PALO ALTO	CA	94301

Case Number: 3:16-cv-5827-WHA

Maxmind Geolocation Trace City: Redwood City, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 9, 2016

Voluntary Dismissal: On March 27, 2017 Plaintiff filed a voluntary dismissal because Comcast could not identify the Defendant.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05827 WHA

v.

JOHN DOE subscriber assigned IP
address 24.5.14.8,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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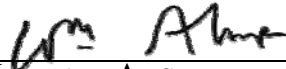
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 24.5.14.8, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05827-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
24.5.14.8	05/26/2016 04:24:13

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA201) Malibu Media v. John Doe

Case No: 3:16-cv-05827-WHA

Comcast	
IP Address	Date/Time UTC
24.5.14.8	5/26/2016 4:24



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

February 24, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 24.5.14.8*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05827
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	24.5.14.8	05/26/2016	04:24:13	Comcast	does not have sufficient information to identify this doe defendant				

Case Number: 3:16-cv-5848-WHA

Maxmind Geolocation Trace City: Fremont, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 11, 2016

Voluntary Dismissal: On March 17, 2017 Plaintiff filed a voluntary dismissal because Comcast could not identify the Defendant.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05848 WHA

v.

JOHN DOE subscriber assigned IP
address 24.6.75.159,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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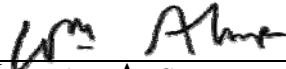
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 24.6.75.159, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05848-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
24.6.75.159	06/02/2016 15:16:15

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: <u>(310) 734-4269</u>	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA202) Malibu Media v. John Doe

Case No: 3:16-cv-05848-WHA

Comcast	
IP Address	Date/Time UTC
24.6.75.159	6/2/2016 15:16



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

February 27, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 24.6.75.159*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05848
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	24.6.75.159	06/02/2016	15:16:15 GMT	Comcast	does not have sufficient information to identify this doe defendant				

Case Number: 3:16-cv-5974-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: Danville, CA

Correct District: Yes

Date Filed: October 17, 2016

Voluntary Dismissal: On April 14, 2017, Plaintiff filed a voluntary dismissal in this case because its investigation revealed that the subscriber is an elderly female woman with limited financial means. Because Plaintiff does not desire to pursue cases against the elderly, nor cause financial hardship, Plaintiff decided to dismiss the case.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05974 WHA

v.

JOHN DOE subscriber assigned IP
address 50.131.211.10,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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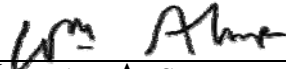
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 50.131.211.10, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05974-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
50.131.211.10	06/20/2016 20:12:03

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA203) Malibu Media v. John Doe

Case No: 3:16-cv-05974-WHA

Comcast	
IP Address	Date/Time UTC
50.131.211.10	6/20/2016 20:12



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Law Offices of Henrik Mosesi
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 50.131.211.10*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05974
Order Entered: February 01, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 01, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	50.131.211.10	06/20/2016	20:12:03 GMT	[REDACTED]	[REDACTED]	[REDACTED]	DANVILLE	CA	94528

Case Number: 3:16-cv-5825-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 9, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal because Comcast could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05825 WHA

v.

JOHN DOE subscriber assigned IP
address 50.174.0.6,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

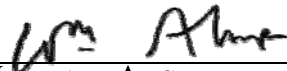
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- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 50.174.0.6, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05825-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
50.174.0.6	05/21/2016 23:39:15

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA204) Malibu Media v. John Doe

Case No: 3:16-cv-05825-WHA

Comcast	
IP Address	Date/Time UTC
50.174.0.6	5/21/2016 23:39



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

February 24, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 50.174.0.6*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05825
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	50.174.0.6	05/21/2016	23:39:15	Comcast	does not	have sufficient information to identify this doe defendant			

Case Number: 3:16-cv-6242-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: San Jose, CA

Correct District: Yes

Date Filed: October 28, 2016

Voluntary Dismissal: On April 14, 2017 Plaintiff filed its voluntary dismissal because its investigation determined that the subscriber was an elderly man living with several family members. Plaintiff was unable to determine which family member was responsible based upon its initial investigation so decided not to pursue its case.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06242 WHA

v.

JOHN DOE subscriber assigned IP
address 50.174.248.138,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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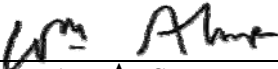
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 50.174.248.138, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06242-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
50.174.248.138	07/04/2016 17:19:05

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA205) Malibu Media v. John Doe

Case No: 3:16-cv-06242-WHA

Comcast	
IP Address	Date/Time UTC
50.174.248.138	7/4/2016 17:19



Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media LLC v. John Doe Subscriber assigned IP Address 50.174.248.138*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06242
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	50.174.248.138	07/04/2016	17:19:05 GMT	[REDACTED]	[REDACTED]	[REDACTED]	SAN JOSE	CA	95148

Case Number: 3:16-cv-5826-WHA

Maxmind Geolocation Trace City: Palo Alto, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 9, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal because Comcast could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05826 WHA

v.

JOHN DOE subscriber assigned IP
address 50.184.242.50,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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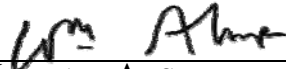
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 50.184.242.50 <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05826-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
50.184.242.50	05/24/2016 23:35:11

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA206) Malibu Media v. John Doe

Case No: 3:16-cv-05826-WHA

Comcast	
IP Address	Date/Time UTC
50.184.242.50	5/24/2016 23:35



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

February 27, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 50.184.242.50*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05826
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	50.184.242.50	05/24/2016	23:35:11 GMT						

Comcast does not have sufficient information to identify this doe defendant

Case Number: 3:16-cv-6245-WHA

Maxmind Geolocation Trace City: Novato, CA

ISP Response Trace City: Novato, CA

Correct District: Yes

Date Filed: October 28, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal because, after an investigation, Plaintiff determined that the subscriber was a business entity, and Plaintiff was unable to identify the individual at the business entity responsible for the infringement.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06245 WHA

v.

JOHN DOE subscriber assigned IP
address 50.193.16.126,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

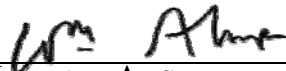
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- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

1 Any motions relating to the subpoena or the protective order discussed above shall be
2 filed prior to the return date of the subpoena.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2017.

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9 WILLIAM ALSUP
10 UNITED STATES DISTRICT JUDGE
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AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 50.193.16.126, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06245-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
50.193.16.126	07/06/2016 21:04:54

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA207) Malibu Media v. John Doe

Case No: 3:16-cv-06245-WHA

Comcast	
IP Address	Date/Time UTC
50.193.16.126	7/6/2016 21:04



NE&TO
650 Centeron Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 50.193.16.126*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06245
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	50.193.18.126	07/06/2016	21:04:54 GMT				NOVATO	CA	94949

Case Number: 3:16-cv-5923-WHA

Maxmind Geolocation Trace City: Novato, CA

ISP Response Trace City: Novato, CA

Correct District: Yes

Date Filed: October 28, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal because, after an investigation, Plaintiff determined that the subscriber was a family run computer repair company. Plaintiff's additional evidence contained several infringements relating to computer repair. However, its investigation revealed that the infringers may either be the father or several adult sons. Unable to pinpoint the exact infringer, Plaintiff exercised caution and did not proceed with its case.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05923 WHA

v.

JOHN DOE subscriber assigned IP
address 50.254.156.145,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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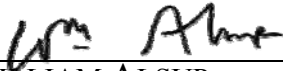
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 50.254.156.145, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05923-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
50.254.156.145	06/09/2016 22:08:31

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 26, 2017 @ 9:30 a.m.
--	--

[] *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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA208) Malibu Media v. John Doe

Case No: 3:16-cv-05923-WHA

Comcast	
IP Address	Date/Time UTC
50.254.156.145	6/9/2016 22:08



Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe subscriber assigned IP address 50.254.156.145*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05923
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	50.254.156.145	06/09/2016	22:08:31 GMT	[REDACTED]	[REDACTED]	[REDACTED]	LIVERMORE	CA	94550

Case Number: 3:16-cv-6241-WHA

Maxmind Geolocation Trace City: Alameda, CA

ISP Response Trace City: San Leandro, CA

Correct District: Yes

Date Filed: October 28, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on April 13, 2017 because, after an investigation, it appeared as if the infringer was the teenage son of the subscriber. Plaintiff does not desire to pursue cases against minors, so ultimately decided to dismiss the case.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06241 WHA

v.

JOHN DOE subscriber assigned IP
address 67.160.223.104,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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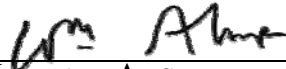
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 67.160.223.104, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06241-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
67.160.223.104	07/04/2016 16:34:43

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA209) Malibu Media v. John Doe

Case No: 3:16-cv-06241-WHA

Comcast	
IP Address	Date/Time UTC
67.160.223.104	7/4/2016 16:34



NE&TO
650 Centerlon Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

3/28/2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive
6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 67.160.223.104*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06241
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	67.160.223.104	07/04/2016	16:34:43 GMT	[REDACTED]	[REDACTED]	[REDACTED]	SAN LEANDRO	CA	94577

Case Number: 3:16-cv-05741-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 6, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on November 17, 2016 because it realized the infringement dates in this case were out of any reasonable or known data retention for Internet Service Providers and therefore Plaintiff knew that the ISP would not be able to identify the subscriber.

Case Number: 3:16-cv-6110-WHA

Maxmind Geolocation Trace City: Cupertino, CA

ISP Response Trace City: Cupertino, CA

Correct District: Yes

Date Filed: October 23, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on April 25, 2017 because, after lengthy negotiations with Defendant's counsel, the parties reached settlement.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06110 WHA

v.

JOHN DOE subscriber assigned IP
address 67.169.164.203,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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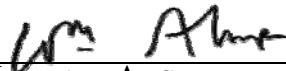
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 67.169.164.203, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06110-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
67.169.164.203	06/26/2016 11:17:01

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

[] *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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA211) Malibu Media v. John Doe

Case No: 3:16-cv-06110-WHA

Comcast	
IP Address	Date/Time UTC
67.169.164.203	6/26/2016 11:17



Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe subscriber assigned IP address 67.169.164.203*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06110
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	67.169.164.203	06/26/2016	11:17:01 GMT				CUPERTINO	CA	95014

Case Number: 3:16-cv-6147-WHA

Maxmind Geolocation Trace City: Fremont, CA

ISP Response Trace City: Fremont, CA

Correct District: Yes

Date Filed: October 25, 2016

Voluntary Dismissal: Plaintiff received Defendant's identity on or around March 31, 2017 and began its investigation on Defendant. Due to an internal delay, Plaintiff did not file its Amended Complaint until April 28, 2017. Plaintiff's deadline to effectuate service was May 4, 2017. Plaintiff knew it would not be able to comply with this deadline and subsequently dismissed this case. Plaintiff and undersigned sincerely apologize to the Court for its delays.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06147 WHA

v.

JOHN DOE subscriber assigned IP
address 67.169.6.154,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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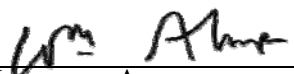
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 67.169.6.154, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06147-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
67.169.6.154	07/02/2016 07:34:26

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA212) Malibu Media v. John Doe

Case No: 3:16-cv-06147-WHA

Comcast	
IP Address	Date/Time UTC
67.169.6.154	7/2/2016 7:34



Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe subscriber assigned IP address 67.169.6.154*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06147
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	67.169.6.154	07/02/2016	07:34:26 GMT				FREMONT	CA	94539

Case Number: 3:16-cv-6243-WHA

Maxmind Geolocation Trace City: Concord, CA

ISP Response Trace City: Lafayette, CA

Correct District: Yes

Date Filed: October 28, 2016

Voluntary Dismissal: Plaintiff filed a notice of voluntary dismissal on May 10, 2017 because, after lengthy negotiations with opposing counsel, the parties reached settlement.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06243 WHA

v.

JOHN DOE subscriber assigned IP
address 67.174.205.201,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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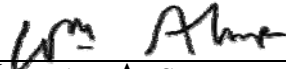
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 67.174.205.201, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06243-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
67.174.205.201	07/05/2016 07:46:17

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA213) Malibu Media v. John Doe

Case No: 3:16-cv-06243-WHA

Comcast	
IP Address	Date/Time UTC
67.174.205.201	7/5/2016 7:46



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

3/28/2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive
6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 67.174.205.201*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06243
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	67.174.205.201	07/09/2016	07:46:17 GMT	[REDACTED]	[REDACTED]	[REDACTED]	LAFAYETTE	CA	94549

Case Number: 3:16-cv-06106-WHA

Maxmind Geolocation Trace City: San Mateo, CA

ISP Response Trace City: Redwood City, CA

Correct District: Yes

Date Filed: October 23, 2016

Voluntary Dismissal: Plaintiff voluntarily dismissed this case because, after an investigation, it determined the Defendant was a student with financial hardship. Plaintiff determined it was in its, and Defendant's, best interest to not pursue litigation.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06106 WHA

v.

JOHN DOE subscriber assigned IP
address 67.180.164.232,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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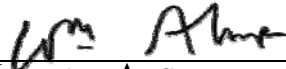
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 67.180.164.232, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06106-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
67.180.164.232	06/24/2016 18:37:40

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA214) Malibu Media v. John Doe

Case No: 3:16-cv-06106-WHA

Comcast	
IP Address	Date/Time UTC
67.180.164.232	6/24/2016 18:37



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Law Offices of Henrik Mosesi
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe subscriber assigned IP address 67.180.164.232*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06106
Order Entered: February 01, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 01, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	67.180.164.232	06/24/2016	18:37:40 GMT				REDWOOD CITY	CA	94063

Case Number: 3:16-cv-6239-WHA

Maxmind Geolocation Trace City: Santa Cruz, CA

ISP Response Trace City: Santa Cruz, CA

Correct District: Yes

Date Filed: October 28, 2016

Voluntary Dismissal: Plaintiff received Defendant's identification on March 31, 2017. Plaintiff conducted an investigation and determined that the subscriber is a female cosmetologist who did not appear to be the infringer. The most likely infringer was an individual who appeared to be her boyfriend, a boat captain. Because it was unclear whether the most likely infringer resided in the household, and based on his potential transient nature, Plaintiff decided to dismiss out of an abundance of caution.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06239 WHA

v.

JOHN DOE subscriber assigned IP
address 71.198.90.46,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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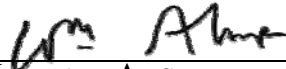
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 71.198.90.46, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06239-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
71.198.90.46	07/04/2016 08:51:17

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA216) Malibu Media v. John Doe

Case No: 3:16-cv-06239-WHA

Comcast	
IP Address	Date/Time UTC
71.198.90.46	7/4/2016 8:51



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 71.198.90.46*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06239
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	71.198.90.46	07/04/2016	08:51:17 GMT	[REDACTED]	[REDACTED]	[REDACTED]	SANTA CRUZ	CA	95060

Case Number: 3:16-cv-5925-WHA

Maxmind Geolocation Trace City: Santa Rosa, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 13, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on March 17, 2017, because Comcast could not identify the infringer.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05925 WHA

v.

JOHN DOE subscriber assigned IP
address 73.158.147.228,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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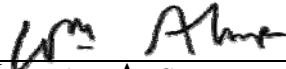
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 73.158.147.228, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05925-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
73.158.147.228	06/14/2016 03:59:53

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA217) Malibu Media v. John Doe

Case No: 3:16-cv-05925-WHA

Comcast	
IP Address	Date/Time UTC
73.158.147.228	6/14/2016 3:59



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

February 24, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media. LLC v. John Doe Subscriber assigned IP Address 73.158.147.228*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05925
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	73.158.147.228	06/14/2016	03:59:53 GMT	Comcast	does not have sufficient information to identify this doe defendant				

COMCAST OPERATIONS PRIMARY 0.0 LBS LTR 1 OF 1
 650 CENTERTON RD
 MOORESTOWN NJ 08057

SHIP TO:
 HENRIK MOSESI, ESQUIRE
 PILLAR LAW GROUP, APLC
 433 N. CAMDEN DRIVE, 6TH FLOOR
 BEVERLY HILLS CA 90210-4416



UPS NEXT DAY AIR SAVER 1P
 TRACKING #: 1Z T41 7T8 13 9280 2698



BILLING: P/P

Reference # 1: Release

CS 19.1.14. WNTN950 84-0A 01/2017

Case Number: 3:16-cv-05735-WHA

Maxmind Geolocation Trace City: Oakland, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 6, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on November 17, 2016 because it determined that the infringement dates were out of data retention and the ISP would not be able to identify the infringer.

Case Number: 3:16-cv-5976-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: San Francisco, CA

Correct District: Yes

Date Filed: October 17, 2016

Voluntary Dismissal: On April 12, 2017 Plaintiff filed a voluntary dismissal because, after investigation, it determined that the infringer was not likely the subscriber, but instead his adult son. Indeed, patterns of infringement suggested a person visiting, and Plaintiff's additional evidence matched the son's hobbies and interests. Plaintiff ultimately dismissed because it could not pinpoint the exact address of the son's residence, to pursue its claim.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05976 WHA

v.

JOHN DOE subscriber assigned IP
address 73.222.7.181,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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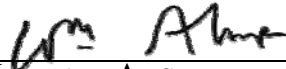
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 73.222.7.181, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05976-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
73.222.7.181	06/23/2016 13:52:23

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA219) Malibu Media v. John Doe

Case No: 3:16-cv-05976-WHA

Comcast	
IP Address	Date/Time UTC
73.222.7.181	6/23/2016 13:52



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Law Offices of Henrik Mosesi
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 73.222.7.181*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05976
Order Entered: February 01, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 01, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #/	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	73.222.7.181	06/23/2016	13:52:23 GMT				SAN FRANCISCO	CA	94122

Case Number: 3:16-cv-5742-WHA

Maxmind Geolocation Trace City: Dublin, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 6, 2016

Voluntary Dismissal: Plaintiff voluntarily dismissed this case on November 17, 2016 because it realized that the infringement dates were out of data retention and the ISP would not be able to identify the Defendant.

Case Number: 3:16-cv-6143-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: San Francisco, CA

Correct District: Yes

Date Filed: October 25, 2016

Status: Plaintiff has amended its complaint to pursue litigation and is currently in settlement negotiations with Defendant's counsel.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06143 WHA

v.

JOHN DOE subscriber assigned IP
address 73.231.156.90,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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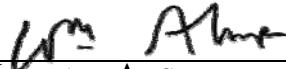
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 73.231.156.90, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06143-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
73.231.156.90	06/30/2016 06:24:41

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA221) Malibu Media v. John Doe

Case No: 3:16-cv-06143-WHA

Comcast	
IP Address	Date/Time UTC
73.231.156.90	6/30/2016 6:24



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 73.231.156.90*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06143
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	73.231.156.90	06/30/2016	06:24:41 GMT				SAN FRANCISCO	CA	94121

Case Number: 3:16-cv-5849-WHA

Maxmind Geolocation Trace City: Castro Valley, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 11, 2016

Voluntary Dismissal: Plaintiff filed a notice of dismissal on March 27, 2017 because Comcast cable could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05849 WHA

v.

JOHN DOE subscriber assigned IP
address 73.252.154.135,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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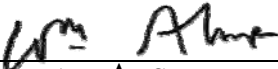
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 73.252.154.135, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05849-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
73.252.154.135	06/05/2016 04:12:46

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA222) Malibu Media v. John Doe

Case No: 3:16-cv-05849-WHA

Comcast	
IP Address	Date/Time UTC
73.252.154.135	6/5/2016 4:12



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

2/27/2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive., 6th Floor
Beverly Hills, CA 90210

Re: *MALIBU MEDIA, LLC v. JOHN DOE subscriber assigned IP address 73.252.154.135*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05849
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Phone No.	Street Address	City	State	Zip Code
	73.252.154.135	06/05/2016	04:12:46 GMT	Comcast	does not have sufficient information to identify this doe defendant					

Case Number: 3:16-cv-6247-WHA

Maxmind Geolocation Trace City: San Jose, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 28, 2016

Status: Plaintiff has not yet received the identity of the Defendant and is awaiting a response from AT&T. Plaintiff anticipates it will receive it June 2, 2017.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA223
Case No.: 3:16-cv-6247-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06247 WHA

v.

JOHN DOE subscriber assigned IP
Address 75.50.86.25,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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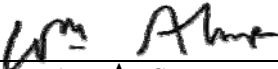
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 75.50.86.25, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06247-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
75.50.86.25	07/07/2016 00:08:07

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA223) Malibu Media v. John Doe

Case No: 3:16-cv-06247-WHA

AT&T	
IP Address	Date/Time UTC
75.50.86.25	7/7/2016 0:08

Case Number: 3:16-cv-5829-WHA

Maxmind Geolocation Trace City: Sunnyvale, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 9, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on March 17, 2017 because Comcast Cable could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05829 WHA

v.

JOHN DOE subscriber assigned IP
address 76.102.116.207,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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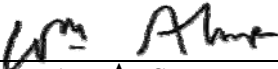
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.102.116.207, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05829-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.102.116.207	06/01/2016 05:43:52

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA224) Malibu Media v. John Doe

Case No: 3:16-cv-05829-WHA

Comcast	
IP Address	Date/Time UTC
76.102.116.207	6/1/2016 5:43



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

2/27/2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive., 6th Floor
Beverly Hills, CA 90210

Re: *MALIBU MEDIA, LLC v. JOHN DOE subscriber assigned IP address 76.102.116.207*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05829
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	76.102.116.207	06/01/2016	05:43:52 GMT	Comcast	does not have sufficient information to identify this doe defendant				

Case Number: 3:16-cv-6144-WHA

Maxmind Geolocation Trace City: Pleasanton, CA

ISP Response Trace City: Pleasanton, CA

Correct District: Yes

Date Filed: October 25, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal because the Court denied Plaintiff's Motion for Extension of Time to Effectuate Service. Plaintiff received Defendant's Identity on or around March 31, 2017 and filed its Amended Complaint on April 13, 2017. The Court issued the Summons on April 26, 2017. Plaintiff's deadline to effectuate service was May 4, 2017. Plaintiff knew it would not be able to comply with this deadline and the Court denied a motion requesting an extension of same. Plaintiff and undersigned sincerely apologize to the Court for the delays in expeditiously serving the John Doe defendant.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06144 WHA

v.

JOHN DOE subscriber assigned IP
address 76.102.154.118,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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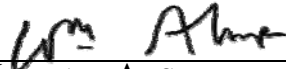
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.102.154.118, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06144-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.102.154.118	06/30/2016 16:34:24

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA225) Malibu Media v. John Doe

Case No: 3:16-cv-06144-WHA

Comcast	
IP Address	Date/Time UTC
76.102.154.118	6/30/2016 16:34



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 76.102.154.118*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06144
Order Entered: February 01, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 01, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Concast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	76.102.154.118	06/30/2016	16:34:24 GMT				PLEASANTON	CA	94566

Case Number: 3:16-cv-5977-WHA

Maxmind Geolocation Trace City: El Cerrito, CA

ISP Response Trace City: Albany, CA

Correct District: Yes

Date Filed: October 17, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on April 25, 2017, because after negotiations with opposing counsel, the parties reached settlement agreement.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05977 WHA

v.

JOHN DOE subscriber assigned IP
address 76.102.87.133,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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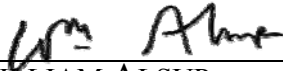
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.102.87.133, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05977-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.102.87.133	06/24/2016 00:29:42

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA226) Malibu Media v. John Doe

Case No: 3:16-cv-05977-WHA

Comcast	
IP Address	Date/Time UTC
76.102.87.133	6/24/2016 0:29



NE&TO
650 Centeron Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Law Offices of Henrik Mosesi
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 76.102.87.133*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05977
Order Entered: February 01, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 01, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	76.102.87.133	6/24/2016	00:29:42 GMT				ALBANY	CA	94708

Case Number: 3:16-cv-5823-WHA

Maxmind Geolocation Trace City: San Francisco, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 9, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on March 17, 2017 because Comcast Cable could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05823 WHA

v.

JOHN DOE subscriber assigned IP
address 76.126.33.91,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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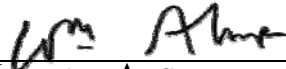
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.126.33.91, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05823-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.126.33.91	05/19/2016 02:38:02

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

[] *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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA227) Malibu Media v. John Doe

Case No: 3:16-cv-05823-WHA

Comcast	
IP Address	Date/Time UTC
76.126.33.91	5/19/2016 2:38



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

2/27/2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive., 6th Floor
Beverly Hills, CA 90210

Re: *MALIBU MEDIA, LLC v. JOHN DOE subscriber assigned IP address 76.126.33.91*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05823
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	76.126.33.91	05/19/2016	02:38:02 GMT	Comcast	does not have sufficient information to identify this doe defendant				

Case Number: 3:16-cv-6112-WHA

Maxmind Geolocation Trace City: Rohnert Park, CA

ISP Response Trace City: N/A

Correct District: N/A

Date Filed: October 23, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal on March 17, 2017 because Comcast Cable could not identify the subscriber.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06112 WHA

v.

JOHN DOE subscriber assigned IP
address 76.21.65.14,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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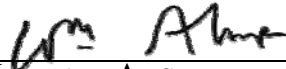
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.21.65.14, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06112-WHA
---	------------------------------------

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

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.21.65.14	06/27/2016 12:37:46

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

[] *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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA228) Malibu Media v. John Doe

Case No: 3:16-cv-06112-WHA

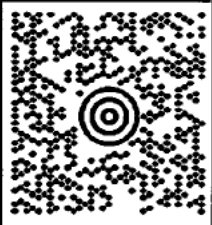
Comcast	
IP Address	Date/Time UTC
76.21.65.14	6/27/2016 12:37

1 OF 1

1 LBS

COMCAST OPERATIONS PRIMARY
650 CENTERTON RD.
MOORESTOWN NJ 08057

SHIP TO:
HENRIK MOSESI, ESQUIRE
6TH FLOOR
433 N. CAMDEN DRIVE.
BEVERLY HILLS CA 90210-4416



CA 900 9-50



UPS NEXT DAY AIR SAVER 1P
TRACKING #: 1Z T41 7T8 13 9505 4394



BILLING: P/P

Reference # 1: Release 2-27-2017



CS 19.1.14. WNTN50 BA 0A 01/2017



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

February 27, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 76.21.65.14*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06112
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	76.21.65.14	08/27/2016	12:37:48 GMT	Comcast	does not have sufficient information to identify this doe defendant				

Case Number: 3:16-cv-05737-WHA

Maxmind Geolocation Trace City: San Carlos, CA

ISP Response Trace City: San Carlos, CA

Correct District: Yes

Date Filed: October 6, 2016

Voluntary Dismissal: On May 4, 2017, Plaintiff filed a voluntary dismissal because Plaintiff reached settlement agreement with Defendant's counsel.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA229
Case No.: 3:16-cv-05737-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05737 WHA

v.

JOHN DOE subscriber assigned IP
Address 76.220.20.27,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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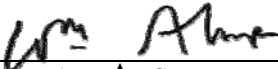
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.220.20.27, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05737-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
Legal Compliance
11760 Highway 1
Suite 600
North Palm Beach, FL. 33408
Facsimile: (888) 938-4715
E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.220.20.27	04/18/2016 14:09:09

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA229) Malibu Media v. John Doe

Case No: 3:16-cv-05737-WHA

AT&T	
IP Address	Date/Time UTC
76.220.20.27	4/18/2016 14:09



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: [REDACTED]

From: CAG

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/6/2017

RE: MALIBU MEDIA V JOHN DOE 76.220.20.27 CIVIL ACTION 3:16-CV-05737-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05737 WHA

v.

JOHN DOE subscriber assigned IP
Address 76.220.20.27,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <i>Plaintiff</i> v. John Doe subscriber assigned to IP address 76.220.20.27, <i>Defendant.</i>	Civil Action No: 3:16-cv-05737-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
Legal Compliance
11760 Highway 1
Suite 600
North Palm Beach, FL. 33408
Facsimile: (888) 938-4715
E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.220.20.27	04/18/2016 14:09:09

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Invoice Date: April 01, 2017

Invoice Number: 241680

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA V JOHN DOE 76.220.20.27 CIVIL ACTION 3:16-cv-05737-WHA	Billed Usage	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA V JOHN DOE 76.220.20.27 CIVIL ACTION 3:16-cv-05737-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: April 1, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



U-Verse Customer Account Details

Important Note: AT&T U-Verse internet access accounts do not have traditional session records with a standard log on/log off format. U-Verse customers have a unique IP directly provisioned to the account. Please reference the Historical IP Provisioning section below for dates and specific details.

>Current Account Information

>Historical IP Provisioning

TXID	DATE	RC	Message	Key/Vals
[REDACTED]	04/18/2016 13:48:58	101	Port and BAN Match	ban: [REDACTED] sbcgnftxassociateduid: [REDACTED] ip_assigned: 76.220.20.27 [H] rg: [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED]
[REDACTED]	04/19/2016 01:27:47	101	OK Port Modified	ban: [REDACTED] sbcgnftxassociateduid [REDACTED] ip_assigned: 76.220.20.27 [H] rg: [REDACTED] sbcgnftxsap: [REDACTED] [REDACTED] [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]



>Subscriber Information

AT&T Interaction: [REDACTED]

Primary Contact Information	Account Information	Open
Contact Name: [REDACTED]	Account Id: [REDACTED]	[REDACTED]
CBR: [REDACTED]	Account Name: [REDACTED]	[REDACTED]
ALT CBR: [REDACTED]	Member Id: [REDACTED]	[REDACTED]
Preferred Email: [REDACTED]	Established: 07/02/2012	
Authenticated By: Passcode / QA	Sub Type: Consumer	
<input type="button" value="Flashes"/>	Business Type: [REDACTED]	
	Network Type: [REDACTED]	
	Billing: AT&T	
	Bill Cycle: 13	
	Bill Media: Paperless	
	AutoPay: Yes	
	Bill Language: English	

[Billing Profile](#)
[Orders](#)
[CPE History/Tracking](#)
[Credit Risk](#)
[Addresses](#)
[Acct Identifiers](#)
[History](#)
[Contracts Info](#)
[CC Details](#)
[Contacts](#)
[Flashes](#)
[Action Items](#)
[Attachments](#)
[Segmentation](#)
[Tax & Exemption](#)

First Name	Last Name	Contact Role	CBR Type	CBR	CVoIP TN	Preferred Email Address
[REDACTED]	[REDACTED]	Primary	Home Phone	[REDACTED]		[REDACTED]



Type	Status	House Number and Street Name	City	State	Zip	Listed Name	CVoIP TN	Update On	Validated
Service	Active	[REDACTED]	SC	CA	94070			1/23/2017 8:57 PM	Yes
Billing	Active	[REDACTED]	SAN CARLOS	CA	94070			7/2/2012 12:15 PM	Yes

View/Edit Account: 119701222 > Edit Address

Address Type:
Billing Address

USA, U.S. Territories, and Military Most of World

Name: [REDACTED]

Name or Address: [REDACTED]

Name or Address: [REDACTED]

Address: [REDACTED]

City: *SAN CARLOS

State: *CA - California

ZipCode: *94070

Case Number: 3:16-cv-6141-WHA

Maxmind Geolocation Trace City: Sunnyvale, CA

ISP Response Trace City: Sunnyvale, CA

Correct District: Yes

Date Filed: October 25, 2016

Voluntary Dismissal: On March 29, 2017, Plaintiff received Defendant's identity. After an investigation, Plaintiff determined that the subscriber was likely the infringer. Unfortunately, it did not file its amended complaint until April 13, 2017. Plaintiff did not receive the summons until April 26, 2017. On May 1, 2017 the Court denied Plaintiff's extension request to serve without prejudice. Because Plaintiff did not have its counsel attempt to pick up the summons in person, Plaintiff believed it could not show due diligence in a renewed motion. For these reasons, Plaintiff decided to dismiss. Plaintiff and undersigned apologize to the Court for its delays and state that if Plaintiff ever decides to file cases in this District again, it will do so only in small amounts in which its resources can assure proper case management.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance **From:** LAW OFFICES OF HENRIK MOSESI

Company: AT&T Corp. Pages: 9 (including cover)

Fax: 888-938-4715 Date: February 6, 2017

Reg: Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA230

Case No.: 3:16-cv-6141-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06141 WHA

v.

JOHN DOE subscriber assigned IP
Address 76.220.56.83,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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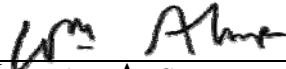
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.220.56.83, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06141-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.220.56.83	06/28/2016 04:29:47

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

/s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA230) Malibu Media v. John Doe

Case No: 3:16-cv-06141-WHA

AT&T	
IP Address	Date/Time UTC
76.220.56.83	6/28/2016 4:29



U-Verse Customer Account Details

Important Note: AT&T U-Verse internet access accounts do not have traditional session records with a standard log on/log off format. U-Verse customers have a unique IP directly provisioned to the account. Please reference the Historical IP Provisioning section below for dates and specific details.

Current Account Information

BAN: [REDACTED]
Circuit Id: [REDACTED]
CMS Policy: [REDACTED]
DHCP Relay: [REDACTED]
DSLAM: [REDACTED]
HSIA Registered: yes
IP: 76.220.56.128
MAC Addr: [REDACTED]
MemberId: [REDACTED]

Historical IP Provisioning

TXID	DATE	RC	Message	Key/Vals
[REDACTED]	01/18/2016 20:46:33	100	OK - Success	ban: [REDACTED] sbcgnftxassociateduid: [REDACTED] ip_assigned: 76.220.56.83 [H] rg: [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED]
[REDACTED]	08/23/2016 11:20:26	102	OK Port Modified Policy Modified	ban: [REDACTED] sbcgnftxassociateduid [REDACTED] ip_assigned: 76.220.56.83 [H] rg [REDACTED] sbcgnftxsap: [REDACTED] [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED]



Subscriber Information

<p>Primary Contact Information</p> <p>Contact Name: [REDACTED]</p> <p>CBR: [REDACTED]</p> <p>ALT CBR: Refused</p> <p>Preferred Email: [REDACTED]</p> <hr/> <p>Authenticated By: Passcode / QA</p> <p style="text-align: right;">Flashes</p>	<p>Account Information</p> <p>Account Id: [REDACTED]</p> <p>Account Name: [REDACTED]</p> <p>Member Id: [REDACTED]</p> <p>Established: 11/10/2009</p> <p>Sub Type: Consumer</p> <p>Business Type: [REDACTED]</p> <p>Network Type: [REDACTED]</p> <p>Billing: Combined Bill AT&T Services and DIRECTV</p> <p>Bill Cycle: 25</p> <p>Bill Media: Paperless</p> <p>AutoPay: No</p> <p>Bill Language: English</p>	<p>Open</p>
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First Name	Last Name	Contact Role	CBR Type	CBR	CVoIP TN	Preferred Email Address
[REDACTED]	[REDACTED]	Primary	Other	[REDACTED]	[REDACTED]	[REDACTED]

Type	Status	House Number and Street Name	City	State	Zip
Service	Active	[REDACTED]	SUNYVL	CA	94086
Billing	Active	[REDACTED]	SUNNYVALE	CA	94086

Address Type:
 Service Address

Exact Address
 Nearby Addresses
 Rural Address

Prefix: [REDACTED]	House Num: [REDACTED]	Suffix: [REDACTED]	Directional: Please Specify	Street Name: [REDACTED]	Thoroughfare: [REDACTED]	Street Suffix: Please Specify	Unit Type: Please Specify
Level Type: Please Specify	Structure Type: Please Specify	City: SUNYVL	State: CA	Box Number: [REDACTED]	Postal Code: 94086		



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI
433 N. CAMDEN DR, 6TH FLR
BEVERLEY HILLS, CA 90210**

File Code: [REDACTED]

From: LP

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/1/2017
Received On: 2/6/2017

Number of Pages:
Date: 3/29/2017

RE: MALIBU MEDIA, LLC VS. JOHN DOE CIVIL ACTION NO. 3:16-CV-06141-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <i>Plaintiff</i> v. John Doe subscriber assigned to IP address 76.220.56.83, <i>Defendant.</i>	Civil Action No: 3:16-cv-06141-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
Legal Compliance
11760 Highway 1
Suite 600
North Palm Beach, FL. 33408
Facsimile: (888) 938-4715
E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.220.56.83	06/28/2016 04:29:47

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06141 WHA

v.

JOHN DOE subscriber assigned IP
Address 76.220.56.83,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

United States District Court
For the Northern District of California

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- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

██████████ LP



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared ██████████ who being duly sworn, deposes and says:

██████████ **I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 07/05/2006. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.**

107.128.208.88

██████████

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

██████████

The foregoing affidavit was sworn to and subscribed before me by ██████████ who is personally known to me.

March 27, 2017

██████████



Serial Number (if any)

GLOBAL LEGAL DEMAND CENTER

Case Number: 3:16-cv-05845-WHA

Maxmind Geolocation Trace City: San Ramon, CA

ISP Response Trace City: San Ramon, CA

Correct District: Yes

Date Filed: October 11, 2016

Voluntary Dismissal: Plaintiff filed a voluntarily dismissed because subscriber was female and Plaintiff's investigators were unable to locate sufficient evidence to name the likely third party infringer - the subscriber's husband.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA231
Case No.: 3:16-cv-05845-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05845 WHA

v.

JOHN DOE subscriber assigned IP
Address 76.247.189.251,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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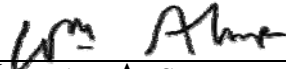
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.247.189.251, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05845-WHA
--	------------------------------------

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

To: AT&T Internet Services
Legal Compliance
11760 Highway 1
Suite 600
North Palm Beach, FL. 33408
Facsimile: (888) 938-4715
E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.247.189.251	06/02/2016 02:31:05

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
--	--

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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA) Malibu Media v. John Doe

Case No: 3:16-cv-05845-WHA

AT&T	
IP Address	Date/Time UTC
76.247.189.251	6/2/2016 2:31



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: **ATTY HENRIK MOSESI
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210**

File Code:

From: FM

**Phone Number: (310) 734-4269
Fax Number: 1**

**Request Dated: 2/6/2017
Received On: 2/6/2017**

**Number of Pages:
Date: 3/24/2017**

RE: MALIBU MEDIA, LLC VS JOHN DOE CASE C 16-05845 WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

Invoice Date: March 23, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

PILLAR LAW GROUP, APLC 90212
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLOOR
 BEVERLY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU MEDIA, LLC VS JOHN DOE CASE C 16-05845 WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU MEDIA, LLC VS JOHN DOE CASE C 16-05845 WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]

Federal Tax ID: [REDACTED]

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Invoice Date: March 24, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Remitted By: PILLAR LAW GROUP, A PLC 90212
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

Date



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

February 14, 2017



SAN RAMON, CA 94582

Re: Notice of Subpoena for Records
Account Number: 102683708
File: 2150684.001

Dear Valued AT&T Customer:

As a courtesy, we are notifying you that we have received the enclosed request for cellular telephone records related to the above referenced account. We are not required to provide this notice, either by applicable law or our subscriber agreement with you, and we will not charge any fee for providing this notice to you. This notice is being sent to the billing address on your account.

Currently, AT&T is prohibited from providing the requested documents because the subpoena is not accompanied by written customer consent as required by Cal. Public Utility Code 2891 (a) and Cal. Code Civ. Proc. 1985.3 (f). In the event customer consent or a court order is received, records identified on the attached request will be provided.

Upon receipt of customer consent or a court order, AT&T is required to comply with the subpoena. Should you have any questions about the subpoena, or wish to attempt to have the subpoena withdrawn or quashed, we have no ability to assist you. Instead, you should contact the issuer of the subpoena directly at the address and telephone number shown below.

HENRIK MOSESI ***UNKNOWN: CASE INFORMATION REF #: UPPERCASE***
PILLAR LAW GROUP, APLC 90212
433 N. CAMDEN DR
6TH FLOOR
BEVERLY HILLS, CA 90210
(310) 734-4269

You may also want to seek the advice of your attorney. We are pleased to advise you with this notice, and hope you find it helpful.

Thank you for choosing AT&T.

Sincerely,

National Court Order Compliance

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 76.247.189.251, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05845-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.247.189.251	06/02/2016 02:31:05

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

 The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

██████████ FM



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is ██████████ I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since **08/11/1978**. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

IP Address(es): 76.247.189.251

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

I declare, under penalty of perjury, under the laws of the State of CALIFORNIA, that the foregoing is true and correct.

Executed on March 22, 2017

████████████████████

Compliance Security Analyst



U-Verse Customer Account Details

Important Note: AT&T U-Verse internet access accounts do not have traditional session records with a standard log on/log off format. U-Verse customers have a unique IP directly provisioned to the account. Please reference the Historical IP Provisioning section below for dates and specific details.

>Current Account Information

BAN: [REDACTED]
 Circuit Id: [REDACTED]
 CMS Policy: [REDACTED]
 DHCP Relay: [REDACTED]
 DSLAM: [REDACTED]
 HSIA Registered: yes
 IP: 108.88.227.16
 MAC Addr: [REDACTED]
 MemberId: [REDACTED]

>Historical IP Provisioning

TXID	DATE	RC	Message	Key/Vals
[REDACTED]	01/15/2015 19:42:48	100	OK . Device is 6RD Enabled /Disabled.	ban: [REDACTED] sbcgnftxassociateduid: [REDACTED] ip assigned: <u>76.247.189.251</u> [H] rg: [REDACTED] siteid: [REDACTED] circuit: [REDACTED] port: [REDACTED] [REDACTED]
[REDACTED]				
[REDACTED]				

>



>Subscriber Information

AT&T Interaction: [REDACTED]

Chronic Caller: Trouble

Primary Contact Information Contact Name: [REDACTED] CBR: [REDACTED] ALT CBR: Refused Preferred Email: [REDACTED] Authenticated By: Passcode / QA <input type="button" value="Flashes"/>	Account Information Account Id: [REDACTED] Account Name: [REDACTED] Member Id: [REDACTED] Established: 03/12/2009 Sub Type: Consumer Business Type: [REDACTED] Network Type: [REDACTED] Billing: AT&T Services only Bill Cycle: 27 Bill Media: Paper AutoPay: Yes Bill Language: English	Open [REDACTED]
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Billing Profile Orders CPE History/Tracking Credit Risk Addresses Acct Identifiers Contracts Info CC Details **Contacts** Flashes Action Items Attachments Segmentation Tax & Exemption

Search Now Unsaved Search [Settings] [Filter] View All 1 Record(s)

First Name	Last Name	Contact Role	CBR Type	CBR	CVoIP TN	Preferred Email Address
[REDACTED]	[REDACTED]	Primary	Cell Phone	[REDACTED]	[REDACTED]	[REDACTED]

Billing Profile Orders CPE History/Tracking Credit Risk **Addresses** Acct Identifiers Contracts Info CC Details Contacts Flashes Action Items Attachments Segmentation Tax & Exemption

Search Now Unsaved Search [Settings] [Filter] View All 3 Record(s)

Type	Status	House Number and Street Name	City	State	Zip	Listed Name	CVoIP TN	Update On	Validated
Service	Active	[REDACTED]	SN RMN	CA	94582			5/30/2012 6:30 AM	Yes
Billing	Active	[REDACTED]	SAN RAMON	CA	94582			2/5/2013 6:20 AM	Yes
E911	Active	[REDACTED]	SN RMN	CA	94582			8/18/2011 1:01 PM	Yes

Exact Address
 Nearby Addresses
 Rural Address

Prefix	House Num:	Suffix	Directional:	Street Name:	Thoroughfare:	Street Suffix:	Unit Type:
	[REDACTED]		Please Specify	[REDACTED]		Please Specify	Please Specify
Level Type:	Structure Type:		City:	State:	Box Number: Postal Code:		
Please Specify	Please Specify		SN RMN	CA	[REDACTED] 94582		
Network Type: FTTN							

Case Number: 3:16-cv-06107-WHA

Maxmind Geolocation Trace City: Oakland, CA

ISP Response Trace City: Oakland, CA

Correct District: Yes

Date Filed: October 23, 2016

Voluntary Dismissal: Voluntarily dismissed because the Court denied Plaintiff's Motion for Extension of Time to Effectuate Service. Plaintiff received Defendant's Identity on or around March 31, 2017 and filed its Amended Complaint on April 13, 2017. The Court issued the Summons on April 26, 2017. Plaintiff's deadline to effectuate service was May 5, 2017. Plaintiff knew it would not be able to comply with this deadline and the Court denied a motion requesting an extension of same. Plaintiff apologizes to the Court for its delay and will make every effort to limit the amount of suits filed and ensure it has adequate resources to promptly effectuate service in the future.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-06107 WHA

v.

JOHN DOE subscriber assigned IP
address 98.207.248.50,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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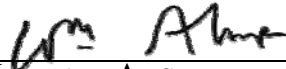
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 98.207.248.50, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-06107-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
98.207.248.50	06/25/2016 05:13:33

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
--	--

[] *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:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA232) Malibu Media v. John Doe

Case No: 3:16-cv-06107-WHA

Comcast	
IP Address	Date/Time UTC
98.207.248.50	6/25/2016 5:13



NE&TO
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 98.207.248.50*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-06107
Order Entered: 2/1/2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
	98.207.248.50	06/25/2016	05:13:33 GMT				OAKLAND	CA	94602

Case Number: 3:16-cv-5972-WHA

Maxmind Geolocation Trace City: Dublin, CA

ISP Response Trace City: Pleasanton, CA

Correct District: Yes

Date Filed: October 17, 2016

Voluntary Dismissal: Plaintiff filed a voluntary dismissal because the subscriber was elderly and Plaintiff does not pursue cases against the elderly.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05972 WHA

v.

JOHN DOE subscriber assigned IP
address 98.248.91.69,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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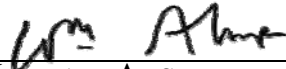
- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on Comcast.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform Comcast if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides Comcast in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from Comcast (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 98.248.91.69, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05972-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Corporation
c/o CT Corporation System
818 West Seventh Street, Ste. 930
Los Angeles, CA. 90017

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
98.248.91.69	06/20/2016 03:54:12

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 27, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/3/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) Duties in Responding to a Subpoena.

Certified Mail #: 7016 1970 0000 0900 3313

(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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA234) Malibu Media v. John Doe

Case No: 3:16-cv-05972-WHA

Comcast	
IP Address	Date/Time UTC
98.248.91.69	6/20/2016 3:54



Legal Response Center
650 Centerton Road
Moorestown, NJ 08057
866-947-8572 Tel
866-947-5587 Fax

March 28, 2017

CONFIDENTIAL

Via Overnight Delivery

Henrik Mosesi, Esquire
Pillar Law Group, APLC
433 N. Camden Drive, 6th Floor
Beverly Hills, CA 90210

Re: *Malibu Media, LLC v. John Doe Subscriber assigned IP Address 98.248.91.69*
United States District Court for the Northern District of California
Docket No.: 3:16-cv-05972
Order Entered: February 1, 2017
Comcast File #: [REDACTED]

Dear Mr. Mosesi:

The Court Order entered February 1, 2017 with respect to the Docket Number shown above, has been forwarded to the Legal Response Center for a reply. Pursuant to this Order, Comcast's responses are included in Attachment A of this document.

Very Truly Yours,

Comcast Legal Response Center

Attachment A

Comcast #	IP Address	Date	Time	First	Last	Street Address	City	State	Zip Code
[REDACTED]	98.248.97.69	06/20/2016	03:54:12 GMT	[REDACTED]	[REDACTED]	[REDACTED]	PLEASANTON	CA	94588

Case Number: 3:16-cv-5973-WHA

Maxmind Geolocation Trace City: Albany, CA

ISP Response Trace City: Richmond, CA

Correct District: Yes

Date Filed: October 17, 2016

Voluntary Dismissal: Plaintiff filed a voluntarily dismissal on April 18, 2017 because, after an investigation, it appeared that the infringer was not the subscriber but instead, the subscriber's husband. However, Plaintiff could not successfully rule out the possibility that the infringer was not the subscriber's teenage son. Because it could have been either, Plaintiff decided it was best not to pursue the case.

LAW OFFICES OF
HENRIK MOSESI

433 N CAMDEN DRIVE
6TH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

TELEPHONE
(310) 734-4269

FACSIMILE
(310) 734-4053

EMAIL
HENRY@MOSESI.COM

Fax

To: AT&T Legal Compliance	From: LAW OFFICES OF HENRIK MOSESI
Company: AT&T Corp.	Pages: 9 (including cover)
Fax: 888-938-4715	Date: February 6, 2017
Reg:	Ref: Subpoena

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Dear Legal Compliance,

Attached please find one (1) subpoena for with respect to the aforementioned case number.

Please serve and respond to this subpoena. Should you require further assistance in this matter, please contact us at 310-734-4269.

Internal Reference No.: NCA235
Case No.: 3:16-cv-5973-WHA

Confidentiality

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message is privileged and strictly confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this documents in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy the original message. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05973 WHA

v.

JOHN DOE subscriber assigned IP
Address 99.47.68.147,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

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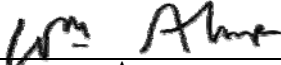
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant's identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant's identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant's identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant's identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant's IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 99.47.68.147, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05973-WHA
--	------------------------------------

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

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
99.47.68.147	06/20/2016 13:22:55

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ *Henrik Mosesi, Esq.*
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).
--

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) Is a person's party's officer; or

(ii) Is commanded to attend a trial and would incur substantial expense.

(2) For Other Discovery: A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45 (c);

(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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(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.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(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.

(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(NCA235) Malibu Media v. John Doe

Case No: 3:16-cv-05973-WHA

AT&T	
IP Address	Date/Time UTC
99.47.68.147	6/20/2016 13:22

Invoice Date: April 04, 2017

Invoice Number: [REDACTED]

Billing Fax:

Bill To:

LAW OFFICES OF HENRIK MOSESI 90210
 HENRIK MOSESI
 433 N. CAMDEN DR
 6TH FLR
 BEVERLEY HILLS, CA 90210



National Court Order Compliance

Phone: 1-800-635-6840

Fax: 1-888-938-4715

11760 US HIGHWAY 1, SUITE 600
 NORTH PALM BEACH, FL 33408-3029

REF #

Invoice

File Code	Case Description	Description of	Units	Rate	Amount
[REDACTED]	MALIBU VS JOHN DOE SUBSCRIBER 99.47.68.147 CASE# 3:16-CV-05973-WHA	Processing Fee	1.0	[REDACTED]	[REDACTED]
[REDACTED]	MALIBU VS JOHN DOE SUBSCRIBER 99.47.68.147 CASE# 3:16-CV-05973-WHA	Billed Usage	0.0	[REDACTED]	[REDACTED]

Federal Tax ID: 91-1379052

Subtotal: [REDACTED]

Payments Received: - \$0.00

Total Due: [REDACTED]



National Compliance Center
Phone: 1-800-635-6840

Invoice Date: April 4, 2017
Invoice Number: [REDACTED]
File Code: [REDACTED]

Due Date	Amount Due	Amount Paid
Upon Receipt	[REDACTED]	\$ _____

Federal Tax ID: [REDACTED]

Make Checks payable to AT&T
11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029

Remitted By: LAW OFFICES OF HENRIK MOSESI
HENRIK MOSESI
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

We accept Credit Card Payments. If paying by credit card please fill out the form below and email to ATIMOBILITY.NCC@ATT.COM or send payment via US Mail to our address listed above

If paying by any other method please return this remittance slip with your payment.

PLEASE NOTE: Transactions on your credit card statement will appear as "AT&T POS".

Credit Card Number

EXP DATE
Credit Card Type (Visa, MasterCard, Amex, etc)

Printed Name

Name As It Appears on the Credit Card

Address for Credit Card

City/State/Zip Code for Credit Card

Signature

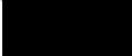
Date



**GLOBAL LEGAL DEMAND CENTER
RESPONSE COVER SHEET**

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: ATTY HENRIK MOSESI
LAW OFFICES OF HENRIK MOSESI 90210
433 N. CAMDEN DR
6TH FLR
BEVERLEY HILLS, CA 90210

File Code: 

From: BF

Phone Number: (310) 734-4269
Fax Number: 1

Request Dated: 2/6/2017
Received On: 2/6/2017

Number of Pages:
Date: 4/4/2017

RE: MALIBU VS JOHN DOE SUBSCRIBER 99.47.68.147 CASE# 3:16-CV-05973-WHA

- All available requested information is enclosed.

IMPORTANT NOTICE:

Effective immediately, please include a time-zone in all legal demands served to AT&T. AT&T's records are kept and provided in UTC. If usage records were requested and no time zone was indicated, AT&T has queried the records in the time zone where your legal demand was issued

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 16-05973 WHA

v.

JOHN DOE subscriber assigned IP
Address 99.47.68.147,
Defendant.

**ORDER GRANTING *EX PARTE*
MOTION FOR LEAVE TO SERVE
THIRD-PARTY SUBPOENA PRIOR
TO RULE 26(f) CONFERENCE**

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third-party AT&T Internet Services, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media’s motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including AT&T or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom AT&T assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.

United States District Court
For the Northern District of California

United States District Court
For the Northern District of California

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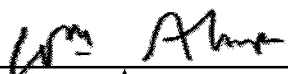
- Malibu Media may not use any information disclosed by AT&T for any purpose other than protecting its rights as set forth in the complaint.
- AT&T shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within **TWENTY-FOUR DAYS** of the date of service on AT&T.
- The return date on the subpoena shall be no less than **FORTY-FIVE DAYS** from the date of service on AT&T. AT&T shall not disclose any identifying information about defendant to Malibu Media prior to the return date or, if a motion to quash or modify the subpoena is filed, prior to the resolution of any motions to quash or modify the subpoena. Malibu Media must inform AT&T if any such motion is filed.
- Malibu Media shall not disclose defendant’s name, address, telephone number, email, social media username, or any other identifying information, other than defendant’s IP address, that it may subsequently learn. All documents including defendant’s identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- Unless otherwise provided, both sides may file under seal any of defendant’s identifying information pursuant to this order, without seeking further leave to file under seal. A version with all identifying information redacted shall be filed on the public docket.
- Malibu Media must seek leave to serve subpoenas on any other Internet service provider besides AT&T in this matter.
- Malibu Media shall have **THIRTY-FIVE DAYS** from the date on which it receives defendant’s identifying information from AT&T (or, if later, until the deadline set by Rule 4(m)). Any requests to extend that deadline shall be made immediately as circumstances justifying the extension arise, rather than at the last minute. Malibu Media must support any assertion that defendant is dodging service with an affidavit of non-service (to be filed under seal, with defendant’s identifying information redacted on the public docket). Malibu Media shall please file a notice informing the Court of the date on which it received defendant’s identifying information no later than **FIVE CALENDAR DAYS** after receiving that information.
- If Malibu Media learns, whether through subpoena response or other communication, that defendant’s IP address was assigned to a physical address outside this district, it shall, within **21 CALENDAR DAYS** from the date on which it learned that information, dismiss the action or **SHOW CAUSE** why it should not be dismissed.

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Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

IT IS SO ORDERED.

Dated: February 1, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

AO 88B (Rev.02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the Northern District of California

MALIBU MEDIA, LLC <p style="text-align: right;"><i>Plaintiff</i></p> <p style="text-align: center;">v.</p> John Doe subscriber assigned to IP address 99.47.68.147, <p style="text-align: right;"><i>Defendant.</i></p>	Civil Action No: 3:16-cv-05973-WHA
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SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: AT&T Internet Services
 Legal Compliance
 11760 Highway 1
 Suite 600
 North Palm Beach, FL. 33408
 Facsimile: (888) 938-4715
 E-mail: compcent@att.com

[X] *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:

Please produce documents identifying the name AND address ONLY of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
99.47.68.147	06/20/2016 13:22:55

Place: Henrik Mosesi, Esq. 433 N. Camden Drive., 6th Floor Beverly Hills, 90210 Telephone: (310) 734-4269	Date and Time: March 24, 2017 @ 9:30 a.m.
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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:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/6/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk OR /s/ Henrik Mosesi, Esq.
Henrik Mosesi, Esq.

The name, address, e-mail, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Henrik Mosesi, Esq., 433 N. Camden Drive., 6th Floor, Beverly Hills, CA 90210 – Telephone: (310) 734-4269- E-mail: henry@mosesi.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

BF



GLOBAL LEGAL DEMAND CENTER

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared [redacted] who being duly sworn, deposes and says:

My name is [redacted]. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 10/01/2007. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T.

99.47.68.147

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

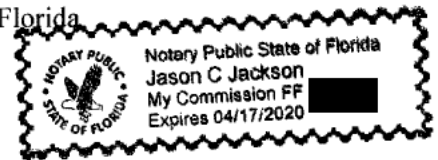
[redacted]

April 3, 2017

The foregoing affidavit was sworn to and subscribed before me by [redacted] who is personally known to me.

April 3, 2017

Notary Public, State of Florida



Printed Name

Serial Number

[redacted]

GLOBAL LEGAL DEMAND CENTER



RICHMOND CA 94804-5344