



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

October 6, 2015

Personal and Confidential

Via UPS & USPS Delivery

Re: *Cobbler Nevada, LLC v. Does 1-26*
United States District Court for the District of Colorado
Docket No.: 1:15-cv-01963
Order Entered: September 11, 2015
Comcast File #: 687034

Dear [REDACTED]:

Cobbler Nevada, LLC has filed a federal lawsuit in the United States District Court for the District of Colorado. You have been identified in our records via your assigned Internet Protocol ("IP") address, which is unique to each internet user, in this lawsuit for allegedly infringing Cobbler Nevada, LLC's copyrights on the Internet by uploading or downloading content without permission. This was allegedly done using a device assigned the IP address 50.170.139.27 on 4/29/15 08:43:02 AM GMT. The court has ordered Comcast to supply your name, address and other information to Cobbler Nevada, LLC in the attached Order and accompanying Subpoena. The case has been assigned Docket Number 1:15-cv-01963 by the court. If you have any questions about the lawsuit, you should consult an attorney immediately. **Comcast cannot and will not provide any legal advice.**

Comcast will provide your name, address, and other information as directed in the Order and Subpoena unless you or your attorney file a protective motion to quash or vacate the Subpoena in the court where the subpoena was issued **no later than November 6, 2015**. If you make this filing, you must notify Comcast in writing with a copy and proof of filing by sending it via fax to (866) 947-5587 **no later than November 6, 2015**. Please note that Comcast cannot accept or file any legal action on your behalf. If you do not file a motion to quash or vacate the Subpoena by this date, or if you fail to notify Comcast of your filing by this date, Comcast will provide your name, address and other information as directed in the Order to the Plaintiff.

If you have legal questions about this matter, please contact an attorney.

Sincerely yours,

Comcast Legal Response Center

Attachments: Copy of Subpoena and accompanying Court Order regarding civil action

UNITED STATES DISTRICT COURT

for the

District of Colorado

Cobbler Nevada, LLC

Plaintiff

v.

John Doe 1, et.al.

Defendant

)
)
)
)
)
)

Civil Action No. 15-cv-01963-WYD-MEH

(If the action is pending in another district, state where:)

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

To: Comcast Cable Communications Management, LLC, c/o The Corporation Company - RA
1675 Broadway, Suite 1200, Denver, CO 80202

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 see attached Order, Letter and Spreadsheet

Place: Brown & Kannady, LLC
2000 S Colorado Blvd, Suite 2-610
Denver, CO 80222

Date and Time:
10/12/2015 11:00 am

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

Date: 09/17/2015

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Cobbler Nevada, LLC, who issues or requests this subpoena, are:

Scott T. Kannady, Brown & Kannady, LLC
2000 S. Colorado Blvd. Suite 2-610, Denver, CO 80222
scott@brownlegal.com; 303-757-3800 (phone) 303-757-3815 (fax)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01963-WYD-MEH

COBBLER NEVADA, LLC,

Plaintiff,

v.

DOES 1-26,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Before the Court is Plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference [filed September 10, 2015; docket #9]. Plaintiff's motion is **granted in part** and **denied in part** as follows.

Plaintiff's motion alleges that the Doe Defendants, identified only by their Internet Protocol ("IP") addresses, have infringed on Plaintiff's copyrighted work by using the internet and a "BitTorrent" protocol to reproduce, distribute, display, or perform Plaintiff's protected film. Plaintiff requests permission from the Court to serve limited, immediate discovery on the Doe Defendants' Internet Service Providers ("ISPs") prior to the Rule 26(f) conference. The purpose of this discovery is to obtain additional information concerning the identities of the Doe Defendants.

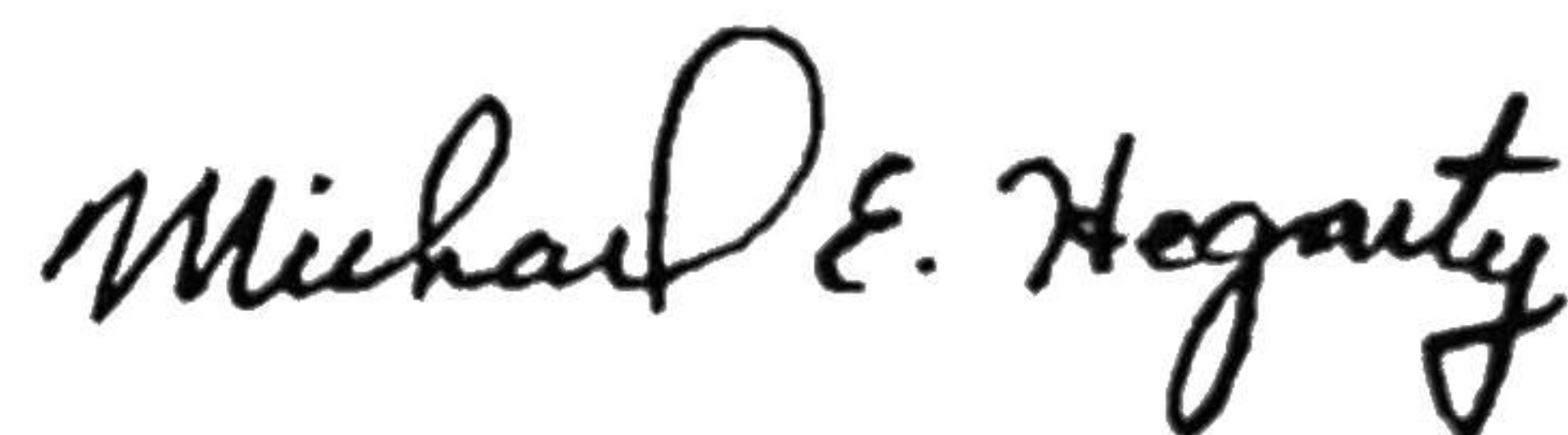
Fed. R. Civ. P. 26(d) proscribes seeking discovery before Rule 26(f) conferral. However, this prohibition is not absolute; the Court may authorize discovery upon a showing of good cause. *Pod-Ners, LLC v. Northern Feed & Bean of Lucerne Ltd. Liability Co.*, 204 F.R.D. 675, 676 (D. Colo. 2002). "Expedited discovery should be limited, however, and narrowly tailored to seek

information necessary to support expedited or preliminary relief.” *Avaya, Inc. v. Acumen Telecom Corp.*, No. 10-cv-03075-CMA-BNB , 2011 WL 9293, at *2 (D. Colo. Jan. 3, 2011) (citation omitted).

After review of the motion, the Court finds that Plaintiff establishes good cause for limited expedited discovery. Therefore, Plaintiff’s motion is **granted in part** as follows. The Plaintiff may serve third party subpoenas pursuant to Fed. R. Civ. P. 45 on the identified ISPs with the limited purpose of ascertaining the identities of the Doe Defendants as identified by the twenty-six (26) IP addresses listed in Docket #9-2. The subpoenas shall be limited to providing Plaintiff with the name, address, telephone number, email address, and Media Access Control address of the Defendant to whom the ISP has assigned an IP address. With each subpoena, Plaintiff shall also serve a copy of this Order. The ISP shall notify the subscriber that his/her identity has been subpoenaed by the Plaintiff. Finally, the Court emphasizes that Plaintiff may only use the information disclosed in response to the subpoenas for the purpose of protecting and enforcing its rights as set forth in its Complaint [docket #1]. The Court cautions Plaintiff that improper use of this information may result in sanctions. All other relief that may be requested in the motion is **denied**.

Entered and dated at Denver, Colorado, this 11th day of September, 2015.

BY THE COURT:



Michael E. Hegarty
United States Magistrate Judge

ISP	Region	City
Comcast Business Communications	Colorado	Greeley
Comcast Cable	Colorado	Boulder
Comcast Cable	Colorado	Westminster
Comcast Cable	Colorado	Aurora
Comcast Cable	Colorado	Evans
Comcast Cable	Colorado	Manitou Springs
Comcast Cable	Colorado	Denver
Comcast Cable	Colorado	Denver
Comcast Cable	Colorado	Denver
Comcast Cable	Colorado	Arvada
Comcast Cable	Colorado	Parker
Comcast Cable	Colorado	Colorado Springs
Comcast Cable	Colorado	Fort Collins
Comcast Cable	Colorado	Pueblo
Comcast Cable	Colorado	Pueblo
Comcast Cable	Colorado	Denver
Comcast Cable	Colorado	Greeley
Comcast Cable	Colorado	Denver
Comcast Cable	Colorado	Colorado Springs
Comcast Cable	Colorado	Denver
Comcast Cable	Colorado	Boulder
Comcast Cable	Colorado	Aspen

No	IP	HitDate UTC (mm/dd/yy)	ISP
1	76.120.66.96	5/1/15 06:28:13 PM	Comcast Cable
2	98.245.16.233	5/1/15 12:02:47 PM	Comcast Cable
4	24.9.67.155	5/1/15 04:12:37 AM	Comcast Cable
5	73.203.26.142	5/1/15 02:52:00 AM	Comcast Cable
6	73.181.55.231	4/30/15 02:05:00 PM	Comcast Cable
8	50.141.117.15	4/30/15 09:27:38 AM	Comcast Cable
9	50.200.222.82	4/30/15 04:36:01 AM	Comcast Cable
10	107.2.156.186	4/30/15 03:35:04 AM	Comcast Cable
11	71.196.172.233	4/30/15 03:28:44 AM	Comcast Cable
12	76.25.62.114	4/30/15 03:01:12 AM	Comcast Cable
13	75.70.14.221	4/30/15 12:42:41 AM	Comcast Cable
14	24.9.94.174	4/29/15 11:58:27 PM	Comcast Cable
15	67.164.252.64	4/29/15 11:11:22 PM	Comcast Cable
16	67.176.97.221	4/29/15 10:22:17 PM	Comcast Cable
17	75.71.24.113	4/29/15 06:44:31 PM	Comcast Cable
18	73.203.27.195	4/29/15 06:18:52 PM	Comcast Cable
19	76.25.196.22	4/29/15 10:09:41 AM	Comcast Cable
20	50.170.139.27	4/29/15 08:43:02 AM	Comcast Cable
21	107.2.133.183	4/29/15 05:31:29 AM	Comcast Cable
22	73.14.12.218	4/29/15 04:47:54 AM	Comcast Cable
23	73.3.252.23	4/29/15 04:29:57 AM	Comcast Cable
24	98.245.83.227	4/29/15 03:04:36 AM	Comcast Cable
25	50.183.193.60	4/29/15 03:01:03 AM	Comcast Cable
26	50.76.130.78	4/29/15 02:09:33 AM	Comcast Business Communications