

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AXEL BRAUN PRODUCTIONS,

Plaintiff,

v.

Civil Action No. 11-56 (EGS/JMF)

DOES 1-2,823,

Defendants.

ORDER

On June 28, 2011, this Court stated that “[a]ny party seeking to proceed anonymously must comply with the Local Rules [LCvR 5.1(e)] by including his name and full residence address in his filing and must indicate on the first page of his filing that he wishes to file **UNDER SEAL.**” Order [#11] at 1.

Upon further consideration, however, this Court has now concluded that, as internet subscribers, these individuals have no expectation of privacy in their subscriber information. See U.S. v. Christie, 624 F.3d 558, 573 (3rd Cir. 2010) (“Federal courts have uniformly held that ‘subscriber information provided to an internet provider is not protected by the Fourth Amendment’s privacy expectation’ because it is voluntarily conveyed to third parties.”) (internal quotation omitted); Guest v. Leis, 255 F.3d 325, 335 (6th Cir. 2001) (“Individuals generally lose a reasonable expectation of privacy in their [subscriber] information once they reveal it to third parties.”); Achte/Neunte Boll Kino Beteiligungs Gmbh & Co. v. Does 1-4,577, 736 F. Supp. 2d 212, 216 (D.D.C. 2010) (“With regard to [the movant’s] assertion that the information sought is ‘personal,’ courts have held that Internet subscribers do not have an expectation of privacy in

their subscriber information as they already have conveyed such information to the Internet Service Providers.”).

Thus, any Doe defendant who seeks to file a motion in this case must do so publically on the docket. Any motion that fails to include the movant’s name and full residence address will not be accepted for filing. All motions that comply with the Local Rules will be accepted for filing and will be made part of the public docket.

Finally, it is, hereby,

ORDERED that, within five (5) days of the date of this Order, plaintiff forward a copy of the Order to all primary or intermediary Internet Service Providers that have or will be served with Rule 45 subpoenas in this case. It is further, hereby,

ORDERED that all primary or intermediary Internet Service Providers that have or will be served with Rule 45 subpoenas in this case will, within five (5) days of receiving this Order from plaintiff, forward a copy of the Order to all subscribers identified by plaintiff as putative infringers of its motion picture copyright.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE