

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

SONY MUSIC ENTERTAINMENT INC.
et al.,

Plaintiffs

ORDER

against -

04 Civ. 473

DOES 1 - 40

Defendants

:
-x

CHIN, D.J.

On January 26, 2004, this Court issued an order granting plaintiffs' ex parte application for permission to immediately serve discovery requests on a non-party witness, Cablevision.

Yesterday, the Court received a letter from the Electronic Frontier Foundation ("ECF" , on behalf of ECF American Civil Liberties Union, and Public Citizen as amici curiae, objecting to discovery by plaintiffs "into the identities of persons who have communicated anonymously over the Internet.

In their memorandum, plaintiffs represented that if their ex parte application were granted, they would serve a subpoena on Cablevision giving it fifteen business days in which to respond. Plaintiffs recognized that Cablevision would then be able to notify its subscribers that this information was being sought, and each defendant would then be able to object to the subpoena or to move to quash prior to the return date of the

subpoena. Of course, Cablevision also has the right to move itself to quash the subpoena.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court's January 26, 2004 order remains in effect;
2. If and when Cablevision is served with a subpoena, within five business days thereof it shall give notice to the subscribers in question of the subpoena, and if Cablevision and/or any subscribers and/or any defendants wish to move to quash the subpoena, they shall do so before the return date of the subpoena;
3. If and when it is served with a subpoena, Cablevision shall preserve the subpoenaed information in question pending resolution of any timely filed motion to quash;
4. The issues raised by amici will be considered by the Court if and when any subscriber or defendant or Cablevision moves to quash and the parties and non-party witnesses have had an opportunity to be heard; and
5. Counsel for plaintiffs shall provide a copy of this order to Cablevision when the subpoena is served, or, if the subpoena already has been served, then forthwith. Plaintiffs' counsel shall also fax a copy to ECF.

SO ORDERED.

Dated: New York, New York
February 3, 2004


DENNY CHIN
United States District Judge