

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL DISTRICT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO. v

11-32617 CA 20

OPENMIND SOLUTIONS, INC., a foreign corporation,

Plaintiff,

vs.

JOHN DOES 1-313,

Defendants.

THE ORIGINAL
FILED ON
OCT 31 2011
IN THE OFFICE OF
CIRCUIT COURT DADE CO. FL

ORDER GRANTING MOTION FOR INTERNET SERVICE PROVIDERS TO DISCLOSE
IDENTIFYING INFORMATION OF UNKNOWN DEFENDANTS

THIS CAUSE, having come before this Court on Plaintiff's Motion for Internet Service Providers to Disclose Identifying Information of Unknown Defendants ("Motion"), and the Court having reviewed said Motion, the Memorandum of Law filed in support thereof, and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED.
2. Plaintiff may serve each of the internet service providers ("ISPs") listed in Exhibit A to the Complaint with a subpoena commanding each ISP to provide Plaintiff with the true name, address, telephone number, email address, Media Access Control ("MAC") address, and any other form of contact information that may be used to identify each of the Defendants to whom the ISP assigned an IP address as set forth on Exhibit A to the Complaint. Plaintiff shall attach to any such subpoena a copy of the Complaint, Motion and supporting Memorandum of Law and this Order.

3. Plaintiff may also serve a subpoena in the same manner as above on any ISP that is identified in response to a subpoena as a provider of internet services to one of the Defendants.

4. Each of the ISPs that qualifies as a "cable operator," as defined by 47 U.S.C. § 522(5), which states:

the term "cable operator" means any person or group of persons:

(A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or

(B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system[.]

shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

A cable operator may disclose such [personal identifying] information if the disclosure is . . . made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed[.]

by sending a copy of the Complaint, the Motion and supporting Memorandum of Law, and this Order to the Defendant.

5. The subpoenaed ISPs shall not require Plaintiff to pay a fee in advance of providing the subpoenaed information; nor shall the subpoenaed ISPs required Plaintiff to pay a fee for an IP address that is not controlled by such ISP, or for duplicate IP addresses that resolve to the same individual, or for an IP address that does not provide the name of a unique individual or for the ISP's internal cots to notify its customers. If necessary, the Court shall resolve any disputes between the ISPs and Plaintiff regarding the reasonableness of the amount proposed to be charged by the ISP after the subpoenaed information is provided to Plaintiff.

6. Plaintiff may only use the information disclosed in response to a subpoena served on an ISP for the purpose of protecting and enforcing Plaintiff's rights as set forth in its Complaint.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this

31 day of October, 2011.



CIRCUIT COURT JUDGE

JUDGE RONALD C. DRESNICK