

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

VOLTAGE PICTURES, LLC)	
)	
Plaintiff,)	
)	
v.)	CA. 1:10-cv-00873-BAH
)	
DOES 1 – 5,000)	
)	
Defendants.)	
)	
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PLAINTIFF’S REPORT IN RESPONSE TO COURT’S MINUTE ORDER OF 5/12/11

I. INTRODUCTION

Plaintiff files this report in response to the Court’s Order of May 12, 2011. Pursuant to the Court’s Order:

... in connection with [143] the Plaintiff’s Motion for Leave to File First Amended Complaint and For Further Discovery, the Plaintiff is directed to file, by May 19, 2011, a report (1) identifying the number of IP addresses listed in Exhibit A to plaintiff’s proposed First Amended Complaint (hereinafter “Exhibit A-IP Addresses”) that are associated with each Internet Service Provider (hereinafter “ISP”); (2) summarizing the agreement, if any, that plaintiff’s counsel has in place with each ISP regarding the timetable for production of identifying information for Exhibit A-IP Addresses; (3) stating, for each ISP, the date by which the plaintiff expects complete production in response to its subpoena requesting identifying information for Exhibit A-IP Addresses; and (4) identifying the date, after which no extension will be granted, by which the plaintiff anticipates naming and serving the putative defendants identified in Exhibit A-IP Addresses.

[Minute Order of 5/12/11]

Plaintiff provides the following table as it relates to the IP addresses identified in Exhibit A to its proposed First Amended Complaint:

ISP	IPs Listed	Agreement regarding the timetable for production	Expected Date of Final Production	Notes/Additional Useful Information
AT&T/ Bellsouth/ SBC	501	No agreement	Subpoena has not been issued; pending approval of First Amended Complaint and negotiations with ISP	ISP has stated its capabilities are 60 IPs every 30 business days
Atlantic Broadband	164	No agreement	Unknown at this time	ISP has produced one set of 28 IPs but has not produced any additional IPs since October 2010; motion to compel anticipated; ISP had stated it will produce 28 IPs per month
Bresnan	228	Confidential agreement	Unknown at this time	Plaintiff's counsel has requested update from ISP's counsel
Charter	2,699	150 IPs/month	May 2013	
Clearwire	613	Agreement as to costs only	Unknown at this time	Plaintiff's counsel has requested update from ISP's counsel
Comcast	10,532	Confidential agreement	Unknown at this time	Subpoena has not been issued; pending approval of First Amended Complaint
Cox	574		Unknown at this time	Subpoena has not been issued; pending approval of First Amended Complaint and negotiations with ISP
Earthlink	3	No agreement	Unknown at this time	Remaining IPs were withheld because of motions; Court's opinion and order of 5/12/11 sent to ISP for further production
Fairpoint	318	No agreement	Unknown at this time	Plaintiff's counsel has not received any response to subpoena; motion to compel anticipated
Insight	201	No agreement	December 2011	ISP can typically produce 48 IPs per month
Mediacom	328	Confidential agreement	Unknown at this time	Plaintiff's counsel has spoken with ISP; ISP is processing

Midcontinent	140	Confidential agreement	Unknown at this time	ISP has information ready for production but is withholding production pending Court's approval of First Amended Complaint
Qwest	79	No agreement	Unknown at this time	Remaining IPs were withheld because of motions; Court's opinion and order of 5/12/11 sent to ISP for further production
RCN	21	No agreement	Unknown at this time	Remaining IPs were withheld because of motions; Court's opinion and order of 5/12/11 sent to ISP for further production
Sprint	468	No agreement	Unknown at this time	Plaintiff's counsel has requested update from ISP
Time Warner/ Road Runner	1,750	No agreement	Subpoena has not been issued; pending approval of First Amended Complaint and negotiations with ISP	ISP has stated that it will not comply with any subpoena that requests information for IP addresses in addition to the 28 IPs it has been ordered to produce in two similar cases pending in front of Judge Collyer
Verizon	5,239	100 IPs per month for this and similar cases from Plaintiff's counsel combined	Unknown at this time	Final production date determined by ISP capabilities and number of IPs in similar cases from Plaintiff's counsel
Wave	92	Confidential agreement	Unknown at this time	ISP has produced all but 18 IPs; Plaintiff's counsel has requested update from ISP
Windstream	633	No agreement	June 2011	

As shown above, certain agreements that Plaintiff's counsel has with ISPs are confidential by the terms of the agreements. Plaintiff will produce these documents and/or their terms either under seal or to the Court for an *in camera* review, provided Plaintiff is either

compelled by order of the Court or receives the consent of the ISP to produce such agreement under seal or for an *in camera* review.

In response to the Court's directive number 4, and as demonstrated above, the exact date that Plaintiff expects to receive all identifying information for the IP addresses listed in its proposed First Amended Complaint cannot be determined with absolute certainty at this time. Much of this issue is because of the motions filed Time Warner Cable, the American Civil Liberties Union, Public Citizen, and the Electronic Frontier Foundation in similar cases and also by the outstanding Doe Defendant motions that were resolved by this Court by order dated May 12, 2011. Notwithstanding, based on the timelines presented by the ISPs in both the publically available agreements and the confidential agreements, Plaintiff anticipates that it can conclude its discovery and that it will name and serve any putative defendants whom Plaintiff wishes to pursue in this case by the end of 2013.¹

Respectfully Submitted,

DATED: May 19, 2011

VOLTAGE PICTURES, LLC

By: /s/
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¹ Plaintiff has already named and served a number of individual defendants, whose IP addresses are not in Plaintiff's proposed First Amended Complaint, in other jurisdictions as of the date of this filing.