IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§
	§
CASES FILED BY	§
RECORDING COMPANIES	§

ORDER

The Court conducted a status conference in the above referenced cases (see attached list of cases) on May 6, 2005. The purpose of the conference was to discuss various issues concerning the handling of the procedural issues of this case and implementation of appropriate case management techniques.

Plaintiffs are a consortium of record companies holding copyrights for numerous sound recordings. They allege the defendants have, without permission, used an online media distribution system to download, distribute to the public, and/or make available for distribution to others, various copyrighted sound recordings. In more than two hundred of these cases, Plaintiffs have named a "Doe" defendant, identified solely by an internet protocol address. Accordingly, Plaintiffs anticipate they will need to seek discovery from third party internet service providers ("ISPs") to specifically identify the individual Defendants.

The Court has concluded the most efficient way for Plaintiffs to seek such third party discovery is by way of the filing of a "lead" motion for each ISP. The lead motion shall include: (1) the appropriate citations to the legal authorities Plaintiffs believe support their ability to obtain the discovery requested; (2) along with any necessary supporting documentation; and (3) a list of all cause numbers for actions in which Plaintiffs are seeking discovery from that ISP. Plaintiffs shall file one additional copy of the lead motion for chambers. Contemporaneously with the lead motion, Plaintiffs shall also file a separate, short motion intended to be filed in each cause in which Plaintiffs are seeking discovery from that ISP. The short motion need not include any legal citation, or

supporting documentation, but should instead refer to, and rely upon, the lead motion. Plaintiffs shall file one copy of the short motion for each case in which Plaintiffs are seeking discovery from that ISP, and attach a list of the cause numbers in which the short motion is to be filed.

The Court encourages Plaintiffs to confer with the ISP concerning the proposed discovery prior to the filing of a lead motion. Any agreements concerning the proposed discovery shall accompany the lead motion. The Court shall conduct a hearing on each lead motion to consider the merits of the motion and any proposed agreements as to the appropriate procedures for conducting such discovery.

Any court order addressing the third party discovery sought in a lead motion will apply only to those cause numbers identified in the attachment to the lead motion. Should Plaintiffs seek expedited discovery in an action not addressed in any prior motion, Plaintiffs must comply with the above procedures, even if the Court has previously granted expedited discovery from the same ISP.

The Court has further concluded that a standard set of scheduling deadlines would increase efficient handling of the above referenced cases. Within ten (10) days of Defendant's appearance, Plaintiffs shall complete the attached standard order by calculating and inserting the appropriate dates, and serve the completed order, as well as a copy of this order, on Defendant. The Court shall consider deadlines which comport with the attached standard schedule presumptively applicable.

If Defendant has no objection to the deadlines, Plaintiffs shall within twenty (20) days of service of the order, submit the completed order to the Court as an Agreed Proposed Scheduling Order. If Defendant does not agree to the presumptively applicable deadlines, Plaintiffs shall within twenty (20) days of service submit the completed order to the Court as Plaintiffs' Proposed Scheduling Order, briefly noting Defendant is not in agreement. Defendant shall, within five (5) days of Plaintiffs' submission to the Court, submit his or her objections to the deadlines. The Court

will deem any objections not filed within the applicable time waived. The Court will thereafter issue an appropriate scheduling order.

SIGNED this 13th day of June, 2005.

/s/

ROBERT PITMAN
UNITED STATES MAGISTRATE JUDGE