

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:21-cv-1901-DDD-MEH

AFTER II MOVIE, LLC

Plaintiffs,

v.

WIDEPENWEST FINANCE, LLC,

Defendant.

**ORDER PERMITTING DISCLOSURE OF SUBSCRIBER IDENTIFICATIONS
PURSUANT TO 47 U.S.C. § 551**

The Plaintiffs and Defendant WideOpenWest Finance, LLC (“Parties”) have agreed to commence expedited fact discovery limited to WOW’s safe harbor defense under 17 U.S.C. § 512(a) after the Court enters an order denying, in whole or in part, Defendant’s Motion to Dismiss (ECF No. 35) (“Stage 1 Discovery”).

The Plaintiffs intend to propound a Request for Productions of Documents (“RPOD”) on Defendant to obtain the identification information for subscribers assigned Internet Protocol (“IP”) addresses where Plaintiffs have possession of infringements of copyright protected Works in the Stage 1 Discovery. Plaintiffs have already requested that Defendant preserve the data for the identification information.

47 U.S. Code § 551(c)(2)(B) provides that a cable operator may disclose personally identifiable information concerning any subscriber if the disclosure is made pursuant to a court order authorizing such disclosure and if the subscriber is notified of

such order by the person to whom the order is directed.

Pursuant to 47 U.S. Code § 551(c)(2)(B), the Court authorizes Defendant to disclose the subscriber identifications to Plaintiffs upon commencement of Stage 1 Discovery and further orders Defendant to immediately notify the subscribers of the impending disclosure so that the subscriber identifications can be immediately disclosed upon commencement of Stage 1 Discovery and any objections by subscribers can be promptly resolved.

The RPODs and subpoenas authorized by this Order shall be deemed appropriate court orders under 47 U.S.C. § 551 and Article 49 of the General Data Protection Regulation.

Finally, the Court emphasizes that Plaintiffs may use the information disclosed in response only for the purpose of protecting and enforcing their copyrights.

Entered and dated at Denver, Colorado, this ____ day of _____, 2021.

BY THE COURT:

Michael E. Hegarty,

United States Magistrate Judge