

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-80298-CIV-MARRA/MATTHEWMAN

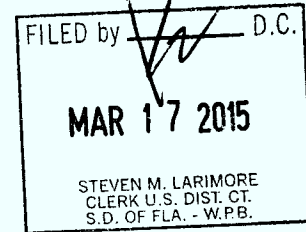
MANNY FILM, LLC,

Plaintiff,

v.

JOHN DOE, a subscriber assigned IP address
73.0.7.10,

Defendant.



ORDER TO SHOW CAUSE

THIS CAUSE has come before this Court upon Plaintiff, Manny Film, LLC’s (“Plaintiff”) Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference (the “Motion”) [DE 10]. This matter was referred to the undersigned by United States District Judge Kenneth A. Marra. See DE 8.

In light of the courts’ opinions in *Malibu Media, LLC v. John Doe*, Case no. 14-cv-20213-UU (S.D. Fla. Mar. 19, 2014), *Malibu Media, LLC v. John Doe, subscriber assigned IP address 50.143.69.168*, Case no. 14-20216-CIV-Moreno (S.D. Fla. Apr. 4, 2014), and *Malibu Media, LLC v. John Doe*, No. 0:14-cv-60259-UU, 2014 WL 261531 (S.D. Fla. May 21, 2014), the Court is concerned by the lack of a showing in this case as to the accuracy of geolocation technology. Plaintiff’s only relevant allegation in the Complaint is the following: “(t)he geolocation technology used by Plaintiff has proven to be accurate to the District level in over 99% of the cases filed by undersigned.” [DE 1, ¶ 6]. Moreover, Plaintiff has not provided any affidavits regarding the reliability and the accuracy of the technology. If Plaintiff cannot

sufficiently establish the accuracy of the geolocation technology, venue in this district has not been established, and the issuance of a Rule 45 subpoena prior to a Rule 26(f) conference would be improper.

Based on the foregoing, it is hereby **ORDERED AND ADJUDGED** that Plaintiff shall show cause on or before **April 1, 2015**, why the geolocation technology utilized in this case is accurate and reliable and why this Court should rely on geolocation services to establish Defendant's identity and location in this District, as well as why the Southern District of Florida is an appropriate venue for this case.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 17th day of March, 2015.



WILLIAM MATTHEWMAN
United States Magistrate Judge