



JEFFERSON COUNTY COURT OF COMMON PLEAS
301 MARKET STREET, 2ND FLOOR
STEUBENVILLE, OHIO 43952
JOHN A. CORRIGAN, CLERK OF COURTS

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IN THE COURT OF COMMON PLEAS
JEFFERSON COUNTY, OHIO

FILED
COMMON PLEAS COURT

2012 NOV 29 P 1:39

CODY SALTSMAN, a minor child, by)
his natural parents and legal guardians)
JAMES AND JOHNA SALTSMAN, et al.) **ORDER GRANTING**
) **PLAINTIFFS' MOTION FOR**
Plaintiffs) **AUTHORIZATION TO OBTAIN**
) **IDENTITIES VIA DISCOVERY**
-vs-)
)
ALEXANDRIA GODDARD aka "prinnie",) 2012-CV-00544
et al.)
) JUDGE DAVID E. HENDERSON
Defendants)

JOHN A CORRIGAN
CLERK OF COURTS
JEFFERSON COUNTY OH

Upon the Plaintiffs' Motion for Authorization to Obtain Identities Via Discovery, the accompanying Memoranda in Support, and the Supplemental Memoranda in support, and Memorandum in Opposition, it is hereby:

ORDERED that Plaintiffs shall be permitted to serve subpoenas on Comcast Cable Communications for information related to IP Addresses 24.3.36.77 (9/18/2012 at 16:04:07 EDT), 24.3.44.133 (9/19/2012 at 11:08:17 EDT), 98.236.233.187 (9/5/2012 at 9:02:44 EDT), 98.236.235.123 (10/18/12 at 8:49:48 EDT), 71.61.106.67 (9/13/2012 at 16:56:03 EDT), 98.236.37.160 (9/16/2012 at 19:57:30 EDT), 71.61.41.242 (9/26/2012 at 15:58:21 EDT), 98.236.233.204 (10/15/2012 at 13:05:45 EDT), 67.165.66.22 (10/15/2012 23:43:13 EDT), 76.125.137.138 (10/12/2012 9:10:34 EDT), and 24.5.19.101 (8/31/2012 at 18:28:45 EDT); on MI-Connection for information related to IP Addresses 24.224.106.86 (9/22/2012 at 1:15:53 EDT) and 24.224.86.32 (10/11/2012 at 14:48:14 EDT); on AT&T for information related to IP Addresses 75.33.45.29 (9/13/2012 13:26:54 EDT) and 198.228.201.148 (10/15/2012 12:56:50 EDT), on Cincinnati Bell for information related to IP Address 69.61.174.187 (9/13/2012 at

17:58:30 EDT), and on Verizon for information related to IP Address 173.75.245.162 (10/15/2012 23:17:45).

It is further **ORDERED** that for each of the subpoenas that Plaintiffs serve related to the above-listed IP Addresses, Plaintiffs shall serve copies of those subpoenas on Defendant Alexandria Goddard's counsel, no later than the day the Plaintiffs serve those subpoenas. To the extent that Defendant Alexandria Goddard is aware of the individuals associated with the above-listed IP Addresses, she should notify such individuals of the discovery pending related to their identities. The Plaintiffs shall also instruct the recipients of such subpoenas to give notice of the subpoenas to the persons about whom the subpoenas request information and instruct the anonymous persons that they have 14 days to file a motion to quash the subpoena, or the information will be produced. The Plaintiffs shall also instruct the subpoena recipients to refrain from producing the information for 14 days to give anyone who so desires time to file a motion to quash related to those subpoenas. Should motions be filed related to Plaintiffs' subpoenas, the Plaintiffs shall instruct the subpoena recipients to preserve, but not to produce responsive information until the Court has ruled on the motion(s) to quash or amend the subpoenas.

It is further **ORDERED** that should the subscriber file a motion to quash or amend this subpoena, the respective Internet Service Provider will not produce responsive information, but will preserve such information, until the Court has ruled on these motions.

It is further **ORDERED** that good faith attempts by Comcast Cable, MI-Connection, AT&T, Cincinnati Bell and Verizon to notify the subscribers associated with the *unique IP addresses identified* in the subpoena shall constitute compliance with this Order.

It is further **ORDERED** that any information disclosed to Plaintiffs in response to the subpoena issued under Rule 45 of the Ohio Rules of Civil Procedure may be used by Plaintiffs

solely for the purpose of protecting Plaintiffs' rights as enumerated in the Complaint filed in this action.

It is further **ORDERED** that specifically regarding the Cable Privacy Act, 47 U.S.C. § 551, the Court finds as follows:

WHEREFORE the Court finds that good cause exists to allow Plaintiffs to conduct discovery on Comcast Cable and MI-Connection, because there is a substantial risk that the evidence in question will be destroyed, deleted, or otherwise erased;

WHEREFORE the Court finds that good cause exists to allow Plaintiffs to conduct discovery on Comcast Cable and MI-Connection, because Plaintiffs' narrowly tailored subpoena will not prejudice Comcast Cable or MI-Connection;

WHEREFORE the Court finds that good cause exists to allow Plaintiffs to conduct discovery on Comcast Cable and MI-Connection, because the discovery Plaintiffs seek will allow this case to advance on this Court's docket;

WHEREFORE the Court finds that good cause exists to allow Plaintiffs to conduct discovery on Comcast Cable and MI-Connection, because Plaintiffs have made a good faith showing that the discovery sought is relevant to this action and permitted pursuant to 47 U.S.C. § 551(c)(2)(B);

It is therefore, **ORDERED** that this Court authorizes Comcast Cable to release personally identifiable information regarding the subscriber associated with the following Internet Protocol Addresses: 24.3.36.77, 24.3.44.133, 98.236.233.187, 98.236.235.123, 75.66.169.222, 71.61.106.67, 98.236.37.160, 71.61.41.242, 98.236.233.204, 67.165.66.22, 76.125.137.138.

It is further **ORDERED** that this Court authorizes MI-Connection to release personally identifiable information regarding the subscriber associated with the following Internet Protocol Addresses: 24.224.106.86 and 24.224.86.32.

It is further **ORDERED** that any subpoena issued pursuant to this Order shall be deemed an appropriate Court Order pursuant to 47 U.S.C. § 551.

IT IS SO ORDERED.

This 29th day of November, 2012.


JUDGE DAVID E. HENDERSON

IN THE COURT OF COMMON PLEAS
JEFFERSON COUNTY, OHIO

FILED
COMMON PLEAS COURT

2012 NOV 29 P 1:40

JOHN A CORRIGAN
CLERK OF COURTS
JEFFERSON COUNTY OH

CODY SALTSMAN, a minor child, by)
his natural parents and legal guardians)
JAMES AND JOHNA SALTSMAN, et al.) **ORDER OVERRULING**
) **DEFENDANTS' MOTION FOR**
Plaintiffs) **SANCTIONS**
)
-vs-)
)
ALEXANDRIA GODDARD aka "prinnie",) 2012-CV-00544
et al.)
) JUDGE DAVID E. HENDERSON
Defendants)

The defendant, Alexandria Goddard, has filed a motion for sanctions claiming the same to be pursuant to Civil Rules 37(E) and 45(C)(2)(b) by and through her attorneys, Jeffrey Nye and Thomas Haren.

It must be noted that said attorneys have entered their appearance of record on behalf of defendant, Alexandria Goddard, even though said defendant has not been served with the Complaint. Said defendant's attorneys have refused to accept service on behalf of their client and have refused to disclose the address of said defendant claiming that attorney-client privilege does not permit them to disclose said defendant's location. Plaintiffs have attempted to have the complaint served upon the said defendant but have been unsuccessful.

Further, although said defendant complains of plaintiffs' discovery attempts, the said defendant has not sought any protection order under Civil Rule 26.

The said defendant requests sanctions for a subpoena served upon non-party Hostgater.com LLC; however, said non-party has not objected to the production of the requested information, as it is permitted to do under Civil Rule 45(C)(2)(b).

The Court has reviewed said defendant's motion and hereby OVERRULES the same.


JUDGE DAVID E. HENDERSON

Cc:

Shawn Blake Esq
Jeffrey Nye Esq
Thomas Haren Esq
