

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. 0:14-cv-61957-JIC
	)	
v.	)	
	)	
JOHN DOE subscriber assigned IP address	)	
98.249.146.169,	)	
	)	
Defendant.	)	
_____	)	

**MOTION FOR LEAVE TO SERVE A THIRD PARTY  
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Law in support of this motion; (2) Declaration of Colette Field in support of this motion; (3) Declaration of Patrick Paige in support of this motion; and (4) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Comcast Cable, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Respectfully submitted,

By: */s/ M. Keith Lipscomb*  
M. Keith Lipscomb (429554)  
klipscomb@lebfirm.com  
LIPSCOMB EISENBERG & BAKER, PL  
2 South Biscayne Blvd.  
Penthouse 3800  
Miami, FL 33131  
Telephone: (786) 431-2228  
Facsimile: (786) 431-2229  
*Attorneys for Plaintiff*