

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BMG RIGHTS MANAGEMENT)	
(US) LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 1:14cv1611 (LO/JFA)
v.)	
)	
COX ENTERPRISES, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

After receiving correspondence from 12 individuals objecting to their information being produced in this action, the undersigned had certain personal identifying information redacted and directed the Clerk to file those documents in the public record. (Docket no. 88). The plaintiffs have filed a response to those objections. (Docket no. 118). While the objections asserted by the individuals vary, some involve the same or similar issues and can be discussed together. Initially, it is noted that given the nature of the claims raised in this action by BMG Rights Management and Round Hill Music ("BMG/Round Hill") against Cox Enterprises, Inc. ("Cox"), the court has found that account information for a group of Cox subscribers is relevant to the claims asserted in the action. Any subscriber information produced by Cox is to be treated as Highly Confidential – Attorneys' Eyes Only under the provisions in the Protective Order in this case (Docket no. 46). The subscriber information produced in this action is to be used solely for the purposes of litigating the claims raised in this action between BMG/Round Hill and Cox and will not be used by BMG/Round Hill to solicit payments directly from Cox subscribers.

Several of the persons submitting objections have provided information to the court that is sufficient to establish that they were not assigned the IP addresses that are the subject of the court's ruling at the time of the alleged infringing activity. Having reviewed that information and based on plaintiffs' representation that they are not seeking the disclosure of subscriber information for these individuals, the court sustains the objections raised by Doe no. 1 (Docket no. 88 at 1-3), Doe no. 5 (Docket no. 88 at 13-23), Doe no. 8 (Docket no. 88 at 28-29), Doe no. 10 (Docket no. 88 at 39-40), and Doe no. 11 (Docket no. 88 at 41).

Based on information provided by Cox to the plaintiffs, it appears that Doe no. 3 (Docket no. 88 at 9-10) and Doe no. 12 (Docket no. 88 at 42-43) were not assigned the subject IP addresses at the time of the alleged infringement and the court sustains the objections raised by those individuals.

Several individuals have objected to their information being produced stating that they did not participate in copyright infringement, that they are not aware of any infringing activity, and that they would like to maintain their privacy. *See* Doe no. 2 (Docket no. 88 at 4-8)¹, Doe no. 4 (Docket no. 88 at 11-12), Doe no. 6 (Docket no. 88 at 24-25), Doe no. 7 (Docket no. 88 at 26-27), and Doe no. 9 (Docket no. 88 at 30-38). The mere denial of any infringing activity is an insufficient reason to justify quashing the subpoena to Cox. In addition, any concerns these individuals may have relating to privacy are addressed adequately by the provisions of the Protective Order entered in this action. For these reasons, it is

ORDERED that Cox is not required to provide subscriber information for Does 1, 3, 5, 8, 10, 11, and 12 and that Cox shall produce subscriber information for Does 2, 4, 6, 7, and 9 under the provisions of the Protective Order and the conditions discussed above.

¹ This objection appears to be identical to the motion to quash filed on June 1, 2015 (Docket no. 81) and denied by an order entered on June 30, 2015 (Docket no. 121).

Entered this 1st day of July, 2015.

_____/s/ 
John F. Anderson
~~United States Magistrate Judge~~
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia