

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 01/27/2017**

-----X  
MALIBU MEDIA, LLC,  
  
Plaintiff,  
  
vs.  
  
JOHN DOE subscriber assigned IP address  
72.89.58.125,  
  
Defendant.  
-----X

Civil Action No. 1:16-cv-01325-JMF

**PRESERVATION ORDER**

1. It is hereby ORDERED that Defendant shall preserve, and shall immediately take efforts to prevent the destruction, expiration, deletion, overwriting, concealment, or modification (even if such data would otherwise expire, be deleted or overwritten, concealed, or modified in the normal course of business, including through the termination of user accounts) of ESI reasonably related to this litigation in Defendant’s possession, custody, or control. All ESI that is in Defendant’s possession, custody, or control, is subject to this Order even if it is maintained by third parties, including third parties cloud storage services. Specifically, Defendant is ORDERED to preserve:
  - a. Defendant’s laptops, desktops, tablets, mobile phones, external storage devices, portable hard drives, external hard drives, Network Attached Storage, USB (thumb) drives, and any other device which can be used to connect to the internet, download media files, or store electronic data (collectively, “Hard Drives”). Defendant can satisfy preservation by (a) cooperating with plaintiff’s retention, at its own expense, of an independent expert to create forensically sound images of Defendant’s Hard Drives (“clones”), and (b) until said

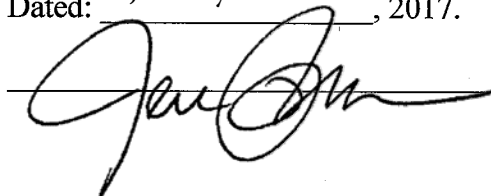
imaging has been completed, not engaging in any of the following activities: (1) deleting any data within any of Defendant's Hard Drives; (2) using data shredding, overwriting, or wiping applications; (3) defragmenting any Hard Drives; (4) re-imaging or replacing drives; (5) compressing a Hard Drive; (6) deleting internet cookies; (7) deleting browser history and favorites; (8) running any "disk clean-up" processes; (9) installing and uninstalling software on any Hard Drive; (10) updating an operating system on any Hard Drive; and/or (11) taking any actions inconsistent with Defendant's preservation obligations for electronically stored information or computer Hard Drives.

- b. All contents of any third party cloud storage service such as Amazon Cloud Drive, Apple iCloud, DropBox, Google Drive, MediaFire, Mega, Microsoft SkyDrive, OneDrive, SpiderOak, and Ubuntu One; and
- c. Defendant's modem and router used in his home during the period of recorded infringement.
- d. All emails, notifications, or correspondence, if any, from Defendant's Internet Service Provider ("ISP") to Defendant under the ISP's Copyright Alert System ("CAS").

- 2. Each party shall bear its own costs in complying with the order.
- 3. Any information relating to medical patients of defendant's employer(s) shall be withheld pursuant to applicable law;
- 4. All information not directly related to the subject of this action obtained by plaintiff shall be confidential and shall be destroyed by plaintiff's counsel, who shall furnish defendant with proof of such destruction;

IT IS SO ORDERED.

Dated: January 26, 2017.



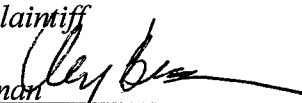
United States District Court Judge

Respectfully submitted,

By: /s/ Jacqueline M. James


Jacqueline M. James, Esq. (1845)  
The James Law Firm, PLLC  
445 Hamilton Avenue  
Suite 1102  
White Plains, New York 10601  
T: 914-358-6423  
F: 914-358-6424  
*Attorneys for Plaintiff*

By: /s/ Ray Beckerman

  
Ray Beckerman, Esq.  
Ray Beckerman, PC  
108-18 Queens Boulevard, 4<sup>th</sup> Fl.  
Forest Hills, New York 11375  
T: 718-544-3434  
[ray@beckermanlegal.com](mailto:ray@beckermanlegal.com)

United States District Court Judge

Respectfully submitted,

By:   
/s/ Jacqueline M. James

Jacqueline M. James, Esq. (1845)  
The James Law Firm, PLLC  
445 Hamilton Avenue  
Suite 1102  
White Plains, New York 10601  
T: 914-358-6423  
F: 914-358-6424  
*Attorneys for Plaintiff*

By: /s/ Ray Beckerman  
Ray Beckerman, Esq.  
Ray Beckerman, PC  
108-18 Queens Boulevard, 4<sup>th</sup> Fl.  
Forest Hills, New York 11375  
T: 718-544-3434  
ray@beckermanlegal.com