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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 CHRISTOPHER J. CORDOVA,

12 Plaintiff,

13 vs.

14 JOHN DOE 1 d/b/a  
15 www.youtube.com/@Destination2Truth,

16 Defendant.

Case No. 25-cv-05207-DMR

**HON. DONNA M. RYU**

**DISCOVERY MATTER**

***EX PARTE* APPLICATION FOR  
LEAVE TO SERVE A THIRD-  
PARTY SUBPOENA PRIOR TO A  
RULE 26(F) CONFERENCE;  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT  
THEREOF**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff Christopher J. Cordova (“Plaintiff”) will and  
3 hereby does apply to the Court *ex parte* for leave to issue a third-party subpoena on Google  
4 LLC d/b/a YouTube to identify Defendant prior to a Fed. R. Civ. P. 26(f) conference.

5 This application is based upon: the Memorandum of Points and Authorities; the  
6 concurrently-attached Declaration of Randall S. Newman; upon all pleadings and evidence  
7 on file in this matter; and upon such additional evidence or arguments as may be accepted  
8 by the Court.

9  
10 Dated: July 4, 2025

Respectfully submitted,

11  
12 By: s/ Randall S. Newman  
13 Randall S. Newman, Esq.

14 *Attorney for Plaintiff,*  
15 *Christopher J. Cordova*  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Pursuant to Fed. R. Civ. P. 26(d)(1), Plaintiff Christopher J. Cordova (“Plaintiff”)  
3 hereby respectfully submits this Memorandum of Points and Authorities in support of its  
4 *ex parte* application for leave to serve a third-party subpoena prior to the Rule 26(f)  
5 conference.

6 **INTRODUCTION**

7 This is a copyright infringement action arising from the unauthorized use of  
8 Plaintiff’s original audiovisual work titled *Another Chad Exposed!!! Worthless Denver*  
9 *Cops...ASSAULTED!!!* (the “Registered Video”) by an anonymous YouTube user  
10 operating under the alias “Destination2Truth (the “D2T Channel”)”<sup>1</sup>. The 48-minute, 14-  
11 second copyrighted video, captured and published by Plaintiff on his  
12 @DenverMetroAudits YouTube channel, documents a real-time encounter between  
13 Plaintiff, members of the Denver Police Department, and a third-party bystander. It was  
14 created to expose potential police misconduct and promote government accountability  
15 through public dissemination.<sup>2</sup>

16 The John Doe Defendant, who operates the D2T Channel, republished more than  
17 90% of the Registered Video (excluding the intro) (the “Infringing Video”). The Infringing  
18 Video includes three uninterrupted segments of 9:39, 8:06, and 9:45, respectively—  
19 comprising a substantial portion of the Registered Video. The John Doe Defendant did not  
20 obtain a license, did not seek permission, and added no commentary, criticism, parody, or  
21 transformative content during these extended portions.<sup>3</sup>

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23  
24 <sup>1</sup> <https://www.youtube.com/@Destination2Truth>.

25 <sup>2</sup> Plaintiff’s video is available at the URL <https://youtu.be/bhgHsPl4Mr0?si=F-7EgMg0bBZiy-QY>.

26 <sup>3</sup> The Infringing Video was posted to the URL <https://www.youtube.com/watch?v=YLUC9S3DtyA> but  
27 was removed by YouTube after Plaintiff filed a DMCA takedown notice pursuant to 17 U.S.C. § 512(c).  
28 Defendant did not file a counter-notice pursuant to 17 U.S.C. 512(g).

1 Because the D2T Channel is pseudonymous and maintained via Google services  
2 (including YouTube and Gmail), Plaintiff cannot identify or serve the John Doe Defendant  
3 without Court-authorized discovery. Accordingly, Plaintiff respectfully moves for leave to  
4 serve a proposed Rule 45 subpoena on Google LLC (the “Proposed Subpoena”). The  
5 Proposed Subpoena is attached as Exhibit E to the Declaration of Randall S. Newman  
6 (“Newman Decl.”). Plaintiff will use this limited discovery solely to investigate and serve  
7 the Defendant and proceed with this action. Without such relief, Plaintiff cannot protect  
8 his exclusive rights under the Copyright Act and cannot move forward with this litigation.

9 I. **Legal Standard Governing Expedited Discovery Requests to Identify an**  
10 **Anonymous Defendant.**

11 Federal Rule of Civil Procedure 26(d)(1) generally prohibits discovery before the  
12 Rule 26(f) conference, except by court order. Courts in this District routinely grant  
13 expedited discovery where a plaintiff demonstrates good cause—especially in cases  
14 involving anonymous online defendants whose identities are not otherwise ascertainable.  
15 In *Columbia Insurance Co. v. seescandy.com*, 185 F.R.D. 573 (N.D. Cal. 1999), the court  
16 established a widely adopted framework for authorizing early discovery to identify  
17 anonymous internet users. Under *seescandy*, a plaintiff must: (1) identify the defendant  
18 with sufficient specificity to show that the defendant is a real person or entity subject to  
19 suit; (2) describe all previous attempts to locate and identify the defendant; (3) establish a  
20 prima facie case against the defendant, including a plausible claim for copyright  
21 infringement; and (4) show that the requested discovery is necessary and narrowly tailored  
22 to uncover the defendant’s identity. *Id.* at 578–80.

23 These requirements are intended to balance a plaintiff’s right to pursue legitimate  
24 claims with a defendant’s right to remain anonymous until the claim is substantiated.  
25 Courts applying *seescandy* have emphasized that such discovery should be “limited and  
26 focused” to ensure minimal intrusion into privacy. *See also Gillespie v. Civiletti*, 629 F.2d  
27 637, 642 (9th Cir. 1980) (“[W]here the identity of alleged defendants [is] not known prior  
28

1 to the filing of a complaint...the plaintiff should be given an opportunity through discovery  
2 to identify the unknown defendants...”).

3 As shown below, Plaintiff satisfies all four *seescandy* criteria and respectfully  
4 requests leave to serve the Proposed Subpoena on Google, LLC to obtain the information  
5 sought therein.

## 6 **II. ARGUMENT**

### 7 **1. The Operator of the Destination2Truth Channel is a Person or Entity** 8 **Capable of Being Sued.**

9 Where the identity of a defendant is unknown at the time of filing, a plaintiff should  
10 be permitted discovery to identify the unknown party and to identify the individual  
11 responsible for the infringing activity. *Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). Here,  
12 Plaintiff has identified the operator of the YouTube channel “Destination2Truth” as a real  
13 person or entity engaged in ongoing commercial activity. Based upon information and  
14 belief, the channel is actively monetized and publicly lists the contact email address  
15 La1Familiainc@gmail.com. (Newman Decl. ¶¶ 3-4, Ex. A). Another YouTube channel—  
16 Familia TV, <https://www.youtube.com/@FAMILIA-TV>, uses the same email address and  
17 displays an identical logo, strongly suggesting both channels are operated by the same  
18 individual or entity. (*Id.*, Ex. B).

19 Both channels feature voiceover narration by the same distinctive speaker, who can  
20 be heard delivering commentary—including over Plaintiff’s copyrighted footage—using  
21 an identifiable vocal style and cadence. (Newman Decl. ¶ 4). These facts strongly indicate  
22 that the operator of the D2T channel is a real person or business entity engaged in  
23 consistent, monetized online activity across multiple channels. Accordingly, Plaintiff  
24 respectfully requests that the subpoena to Google encompass both channels, as the  
25 registration data for either may confirm the identity of the John Doe Defendant.

### 26 **2. Plaintiff Previously Attempted to Contact the Channel Owner.**

27 The only contact information publicly available on the Destination 2Truth (“D2T”)  
28 YouTube channel is the email address La1Familiainc@gmail.com. (Newman Decl. ¶ 3,

1 Ex. A). The channel does not list a physical address, phone number, or any linked website  
2 or social media accounts that could assist in identifying the operator. (*Id.*).

3 On June 24, 2025, Plaintiff’s counsel sent an email to the listed Gmail address,  
4 attaching a copy of the complaint and requesting that the channel owner contact counsel to  
5 discuss the matter and potentially resolve it without court involvement. (Newman Decl. ¶  
6 5, Ex. C). The email was sent successfully and was not returned as undeliverable. (*Id.*)  
7 However, the operator of the D2T channel has not responded and has made no effort to  
8 contact Plaintiff’s counsel. (*Id.*) This email represents Plaintiff’s good-faith attempt to  
9 identify the John Doe Defendant through informal means before seeking early discovery.

### 10 **3. Plaintiff Has Made a *Prima Facie* Claim of Copyright Infringement.**

11 Plaintiff owns the exclusive rights to Registered Video and has registered the  
12 copyright with the U.S. Copyright Office. (Newman Decl. ¶ 6, Ex. D). To state a claim for  
13 copyright infringement, Plaintiff must allege: (1) ownership of a valid copyright, and (2)  
14 copying of original elements of the work. *Feist Pub., Inc. v. Rural Tel. Serv. Co.*, 499 U.S.  
15 340, 361 (1991).

16 Plaintiff’s Complaint satisfies both elements. First, Plaintiff is the original author  
17 and owner of the video titled *Another Chad Exposed!!! Worthless Denver*  
18 *Cops...ASSAULTED!!!*, which captures real-time, expressive footage of a police encounter  
19 and was published on Plaintiff’s YouTube channel @DenverMetroAudits. (Compl. ¶¶ 8-  
20 10). Plaintiff has registered this video with the U.S. Copyright Office. (Newman Decl. ¶ 6,  
21 Ex. D).

22 Second, the Complaint alleges that Defendant copied substantial portions of the  
23 Registered Video without permission, including three uninterrupted segments lasting 9:39,  
24 8:06, and 9:45, respectively—amounting to over 42 minutes of expressive content  
25 reproduced nearly verbatim. (Compl. ¶¶ 12-16). The copied portions include not only  
26 factual events but Plaintiff’s original creative expression, such as camera framing,  
27 narration, real-time commentary, editing choices, and pacing. Defendant’s use was not  
28 transformative, as the Infringing Video contains minimal to no commentary during large

1 stretches of Plaintiff's footage. (*Id.*). These facts, taken as true, are more than sufficient to  
2 establish a prima facie claim of copyright infringement.

#### 3 **4. The Discovery Request is Narrowly Tailored**

4 Plaintiff's Proposed Subpeona is narrowly tailored to seek only the limited  
5 information necessary to identify the Doe Defendant. (Newman Decl. Ex. E). The proposed  
6 Subpoena to Google, LLC seeks basic subscriber registration information, IP address logs,  
7 and other information associated with the YouTube channel "Destination2Truth," as well  
8 as a second channel linked to the same public email address (La1Familiainc@gmail.com).  
9 (Newman Decl. ¶ 7, Ex. E).

10 The Proposed Subpeona does not request content, communications, or any  
11 information beyond what is reasonably calculated to identify the individual or entity  
12 responsible for the infringing upload. It is narrowly limited in scope, directed only to  
13 Google, and concerns two specific channels tied to a single email address. This is precisely  
14 the type of early discovery routinely approved in cases involving anonymous defendants.  
15 *See Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 578 (N.D. Cal. 1999) ("[T]he  
16 discovery request must be narrowly tailored to minimize the impact on the First  
17 Amendment rights of the Doe defendants.").

18 Without this narrowly targeted information, Plaintiff cannot amend the complaint,  
19 serve the John Doe Defendant, or proceed with the case. The attached subpoena represents  
20 the least intrusive means to advance this litigation in a fair and proportionate manner. In  
21 short, the Subpoena seeks no more information than is necessary to accomplish service,  
22 precisely the function Rule 26(d) is intended to support in Doe-defendant cases.

#### 23 **5. Plaintiff Could Have Pursued a Subpoena using 17 U.S.C. § 512(h) Without 24 Court Intervention.**

25 Under 17 U.S.C. § 512(h), a copyright owner may obtain a subpoena to identify an  
26 alleged infringer directly from the Clerk of Court, without filing a lawsuit, making any  
27 evidentiary showing, or demonstrating personal jurisdiction over the individual. Plaintiff  
28 submitted a valid takedown notice under § 512(c) and owns a registered copyright for the

1 infringed video content. (Newman Decl. Ex. D). As such, Plaintiff would have been  
2 entitled to a § 512(h) subpoena by simply submitting a short form and sworn declaration.

3 Under these circumstances, it would be incongruous to deny Plaintiff the limited  
4 discovery necessary to serve the complaint, when a far less transparent mechanism exists  
5 to achieve the same result without judicial oversight. Granting early discovery here upholds  
6 the spirit of due process and reinforces the Court’s supervisory role.

7 This case is distinguishable from anonymous file-sharing lawsuits where courts in  
8 this District have expressed concern about privacy rights and the potential for abuse. Here,  
9 Plaintiff filed a legitimate takedown pursuant to 17 U.S.C. § 512(c), holds a registered  
10 copyright, and seeks to identify a commercial operator of a public, monetized YouTube  
11 channel that republished Plaintiff’s copyrighted work for profit. Unlike copyright “troll”  
12 cases involving alleged downloads of pornographic content, this action is transparently  
13 filed, supported by a registered work, and does not seek coercive settlements or exploit  
14 sealed proceedings.

15 Moreover, a § 512(h) subpoena may be issued by the Clerk of *any* federal district  
16 court, without regard to the alleged infringer’s residence. (17 U.S.C. § 512(h)(1) states that  
17 “...the copyright owner...may request the clerk of any United States district court to issue  
18 a subpoena to a service provider...”). Accordingly, it would be inconsistent to deny  
19 discovery here when the same unmasking relief could be obtained through § 512(h),  
20 without any jurisdictional showing at all.

21 By proceeding via a public complaint instead of an administrative subpoena,  
22 Plaintiff has invoked full judicial oversight and afforded the Doe Defendant the protections  
23 of Rule 45 and the Federal Rules of Civil Procedure. This approach promotes transparency,  
24 fairness, and due process, and it should not be penalized for demanding *more* procedural  
25 protection, not less.

26 In the alternative, should the Court determine that early discovery is unavailable in  
27 this action, Plaintiff respectfully requests that the case be stayed to permit the filing of a  
28 separate proceeding under § 512(h) solely to identify the Doe Defendant. However,

1 requiring such procedural gymnastics would unnecessarily burden both Plaintiff and the  
2 judiciary, given that the requested information can be obtained more efficiently—and with  
3 greater fairness—through targeted discovery in this properly filed case.

4 **CONCLUSION**

5 For the foregoing reasons, Plaintiff respectfully requests that the Court grant leave  
6 to serve the proposed subpoena on Google, LLC, in the form attached as Exhibit \_\_, for  
7 the limited purpose of identifying the Doe Defendant. Plaintiff has stated a *prima facie*  
8 claim of copyright infringement, has shown that the discovery sought is both necessary and  
9 narrowly tailored, and cannot proceed without identifying the individual responsible for  
10 the infringing conduct. Early discovery is therefore warranted under applicable law.

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12  
13 Dated: July 4, 2025

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