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

VICTOR HANNAN, individually and on behalf of a class of similarly situated persons,

Plaintiff,

v.

THE TULVING COMPANY, INC., a California Corporation; and **HANNES TULVING, JR.** a California resident,

Defendants.

Case No. 5:14-cv-01054-EJD

**[PROPOSED] ORDER GRANTING
MOTION EX PARTE BY PLAINTIFF
FOR LEAVE TO CONDUCT EARLY
DISCOVERY**

Date: TBD
Time: TBD
Ctrm: Courtroom 4 - 5th Floor
Judge: The Hon. Edward J. Davila
Filed: March 18, 2014

1 The Court has before it the *ex parte* motion of Plaintiff Victor Hannan, pursuant to
2 Local Rule 7-10, Federal Rules of Civil Procedure 4(e), 26, and 65(b), and the inherent
3 powers of this Court, for leave to conduct early discovery. Because the location of
4 Defendant is unknown at this time, the Court considered the motion on an *ex parte*
5 basis, without advance notice to Defendant.

6 The Court finds that the present circumstances constitute an exceptional case
7 justifying relief and good cause exists to allow discovery to be conducted in advance of
8 the required Federal Rule of Civil Procedure 26(f) conference on discovery.

9 Having considered the motion, memoranda, supporting declaration, the
10 pleadings and papers on file in this action, the relevant statutory and case law, and
11 good cause appearing therefore:

12 1. IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED.

13 2. IT IS HEREBY FURTHER ORDERED that Plaintiff is authorized to issue
14 and serve a subpoena for the limited purpose of obtaining information sufficient to
15 identify the location of Defendant, including, but not limited to, a subpoena to California
16 Bank & Trust and Schedule A thereto, attached to the Declaration of Karl S.
17 Kronenberger filed in support of Plaintiff's Motion, along with a conformed copy of this
18 Order.

19 3. IT IS HEREBY FURTHER ORDERED that if an entity served with a
20 subpoena under Paragraph 2 of this Order is a cable operator as that term is defined in
21 47 U.S.C. §522(5), the Court hereby authorizes the disclosure of that entity's
22 subscriber's personally identifiable information to the extent such disclosure is
23 necessary to comply with the subpoena, pursuant to 47 U.S.C. §551(c)(2)(B).

24
25 IT IS SO ORDERED, on March ___, 2014.

26 _____
27 Hon. Edward J. Davila
28 United States District Judge