

FEDERAL COURT
Federal Court



Cour fédérale

Date: 20130118

Docket: T-2058-12

Ottawa, Ontario, January 18, 2013

PRESENT: The Honourable Mr. Justice Mandamin

BETWEEN:

VOLTAGE PICTURES LLC

Plaintiff

and

JOHN DOE AND JANE DOE

Defendants

ORDER

UPON request by the proposed intervener, the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic ("CIPPIC"), for an adjournment of this motion pending a decision in CIPPIC's motion seeking to intervene in this proceeding (the "Intervener Motion");

AND UPON noting the support for the adjournment by the non-party respondent, TekSavvy Solutions Inc. ("TekSavvy");

AND UPON noting the objection of the Plaintiff to the granting of an adjournment;

AND UPON noting the undertaking by TekSavvy to preserve all information responsive to the Plaintiff's motion for an Order pursuant to Rule 238 of the Federal Courts Rules that is in TekSavvy's possession;

AND UPON noting the undertaking of TekSavvy to forward a letter from the Plaintiff demanding that the recipient refrain from any infringement of copyright in works by Voltage to the contact information TekSavvy has been able to identify as being correlated to the Internet Protocol addresses contained in Exhibit "B" to the Affidavit of Barry Logan, sworn December 7, 2012, at no cost to the Plaintiff;

AND UPON hearing the submissions of counsel for TekSavvy, the agent for CIPPIC, and counsel for the Plaintiff;

THIS COURT ORDERS that:

[1] The hearing of this motion for an Order pursuant to Rule 238 of the *Federal Courts Rules* is adjourned *sine die* pending determination by this Court of CIPPIC's Intervener Motion;

[2] Should CIPPIC be granted leave to intervene without the right to cross-examine and/or adduce affidavit evidence, it shall file its Responding materials within TEN (10) business days of receipt of the Court's reasons granting such leave and that the Plaintiff's motion for an Order pursuant to Rule 238 of the *Federal Courts Rules* is to proceed at a

special sitting with a duration of ONE (1) day, on a date to be determined between counsel and the Registrar that is within THIRTY (30) days of receipt of the Court's reasons on CIPPIC's Intervener Motion, or the earliest date thereafter available to the Court, unless all counsel acting reasonably agree otherwise.

[3] Should CIPPIC be granted intervenor status with the right to cross-examine and/or adduce evidence, CIPPIC shall serve such affidavit evidence within TEN (10) business days of receipt of the Court's reasons granting such status and that the parties, acting reasonably, shall set a timetable for all other remaining steps, including cross-examinations (if applicable) and the filing of Memoranda of Fact and Law (if applicable), which shall include that the Plaintiff's motion for an Order pursuant to Rule 238 of the *Federal Courts Rules* is to proceed at a special sitting with a duration of ONE (1) day, on a date to be determined between counsel and the Registrar, that is within SIXTY (60) days of receipt of the Court's reasons on CIPPIC's Intervener Motion, or the earliest date thereafter available to the Court, unless all counsel acting reasonably agree otherwise.

[4] No order as to costs.

"Leonard S. Mandamin"

Judge



Facsimile Transmittal Form / Formulaire d'acheminement par télécopieur
TO / DESTINATAIRE(S) :

1. Name / Nom : Mr. James Zibarras

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3. Name / Nom : Mr. Felix Tang

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FROM / EXPÉDITEUR : Colinne Martin

DATE : January 18, 2013

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TIME / HEURE : 4 :18 p.m.

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Total number of pages (including this page) /
 Nombre de pages (incluant cette page) : 4

SUBJECT / OBJET :

Court File No. / N° du dossier de la Cour: T-2058-12

Between / entre: Voltage Pictures LLC v. John Doe and Jane Doe

Enclosed is a true copy of the Order of : The Chief Justice dated January 18, 2013.

COMMENTS / REMARQUES :

If you require a certified copy of the above-noted decision, please advise and one will be forwarded to you by regular mail. / Si vous avez besoin d'une copie certifiée de la décision susmentionnée, veuillez nous en aviser et nous vous en enverrons une par courrier.

Pursuant to section 70 of the Official Languages Act all final decisions, orders and judgments, including any reasons given therefore, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.

Conformément à l'article 70 de la Loi sur les langues officielles, les décisions, ordonnances et jugements définitifs avec les motifs y afférents, sont émis dans les deux langues officielles. Au cas où ces documents ne seraient émis, en premier lieu, que dans l'une des deux langues officielles, une copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.