

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TWENTIETH CENTURY FOX FILM CORPORATION, a Delaware corporation; COLUMBIA PICTURES INDUSTRIES, INC., a Delaware corporation; PARAMOUNT PICTURES, CORPORATION, a Delaware corporation; WARNER BROS. ENTERTAINMENT, INC., a Delaware corporation; COLUMBIA TRISTAR HOME ENTERTAINMENT, INC., a Delaware corporation; and NEW LINE PRODUCTIONS, INC., a Delaware corporation,

Plaintiffs,

v.

DOES 1-12,

Defendants.

No. C 04-04862 WHA

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MISCELLANEOUS ADMINISTRATIVE REQUEST PURSUANT TO LOCAL RULE 7-10(b) FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26 CONFERENCE

The application to take early discovery is granted, but only as to Doe 1. The reason is that this case appears to present the same problem as the so-called "DirectTV" cases. There, Judge Ware was eventually assigned 20 lawsuits, each involving multiple defendants. There, each of the multiple defendants (in each action) were accused of illegally intercepting encrypted satellite communications. There, Judge Ware held that the joinder of unrelated defendants violated FRCP 20 since, although the basic claim was similar, the claims arose out of different transactions or occurrences. So too here — at least on the surface

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of the papers submitted. Such joinder may be an attempt to circumvent the filing fees by grouping defendants into arbitrarily-joined actions but it could nonetheless appear improper under Rule 20. A copy of Judge Ware's order in the DirectTV cases is appended.

Consequently, until plaintiffs can show that this case should be treated differently, it will be stayed as to Does 2-12 and prosecuted as to Doe 1. Early discovery as to Doe 1 is now allowed, good cause having been shown. Plaintiffs may seek the identity of Doe 1 (but only Doe 1) from Pacific Bell Internet.

IT IS SO ORDERED.

Dated: November 16, 2004.

/s/William Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE