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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PRIORITY RECORDS LLC, et al.,

No. C 04-1136 WDB

Plaintiffs,

REPORT TO AND REQUEST OF THE
ASSIGNMENT COMMITTEE

v.

DOES 1-8,

Defendants.

On March 22, 2004, plaintiffs, a group of record companies who purport to own the copyrights in the most popular sound recordings in the United States, filed this copyright infringement lawsuit against eight DOE defendants. On this same day, an overlapping but not identical group of record companies filed two additional lawsuits in the Northern District of California against a different group of DOE defendants. Maverick Recording Co., et al., v. DOES 1-4, C 04-1135 MMC, and Arista Records, Inc., et al., v. John Doe, C 04-1134 JL.¹

Review of plaintiffs' complaint raises significant concerns regarding improper joinder of plaintiffs and defendants, as well as the Court's jurisdiction over the DOE defendants.

¹ Plaintiffs assert that all three of these cases are related to eight additional cases assigned to Judge Jenkins. See Plaintiffs' Notice of Related Cases, e-filed April 6, 2004. It is unclear whether Judge Jenkins will relate the three later-filed DOE lawsuits to the eight cases currently pending before him.

1 Absent the consent of the as yet unidentified DOE defendants to Magistrate Judge
2 jurisdiction under 28 U.S.C. section 636(c), however, I lack the authority to either dismiss
3 the lawsuit on jurisdictional grounds or to dismiss plaintiffs or defendants as improperly
4 joined. In addition, I believe that resolution of the preliminary procedural questions raised
5 in these cases by one decision-maker would promote both efficiency and consistency.

6 Accordingly, I respectfully request that the executive committee review all such cases
7 to consider whether they should be assigned to one Article III judge solely for the purpose
8 of making some of these preliminary decisions (perhaps tracking the process the Court
9 recently adopted in response to the DIRECTV cases).

10 IT IS SO REPORTED AND REQUESTED.

11 Dated: April 8, 2004

/s/ Wayne D. Brazil
WAYNE D. BRAZIL
United States Magistrate Judge

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14 Copies to:

15 Plaintiff, WDB, Stats, Rich Wieking,
16 Amicus, JL, MMC, MJJ

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