

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

No. C 04-04862 WHA

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.

**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 of the papers submitted. Such joinder may be an attempt to circumvent the filing fees by grouping
2 defendants into arbitrarily-joined actions but it could nonetheless appear improper under Rule 20. A copy
3 of Judge Ware's order in the DirectTV cases is appended.
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5 Consequently, until plaintiffs can show that this case should be treated differently, it will be stayed
6 as to Does 2-12 and prosecuted as to Doe 1. Early discovery as to Doe 1 is now allowed, good cause
7 having been shown. Plaintiffs may seek the identity of Doe 1 (but only Doe 1) from Pacific Bell Internet.
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11 **IT IS SO ORDERED.**

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13 Dated: November 16, 2004.

/s/William Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE