

Honorable Judge Robert S. Lasnik

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5 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

7 Canal Street Films, Inc.,
8 Plaintiff,

9 vs.

10 Does 1- 104,
11 Defendants.

2:13-cv-007 RSM-RSL

Defendant 61 Motion to Quash
Subpoenas and Dismiss

NOTE ON MOTION CALENDAR:
Friday June 7, 2013

12
13 **Introductory Remarks**

14 This Motion is similar to several motions already filed in similar cases: Some of the legal
15 arguments have been expanded and some additional facts that were not known at the time of the
16 earlier filings are now included.

17 **I. Relief Requested**

18 Defendant Doe 61 requests any and all of the following relief

- 19 1. The Court should allow each individual Doe to proceed anonymously.
- 20 2. This case should be severed and all but the first Doe Defendant should be dismissed for
21 improper Joinder.
- 22 3. A Protective Order should be issues preventing the Plaintiff from obtaining personal
23 information about the Defendants.

1 4. This case should be severed and all but the first Doe Defendant should be dismissed for
2 failure to pay the proper filing fees.

3 5. Such other relief as this Court deems just.

4 **II. Statement of Facts**

5 The detailed facts are well set out in the Plaintiff's Complaint, and the Declaration of Doe 61
6 and the Declaration of Gary Marshall which accompany this Motion.

7 **III. Statement of Issues**

8 **1. The Court should allow each Doe to proceed anonymously.**

9 **2. This case should be severed and all but the first Doe Defendant should be
10 dismissed for improper Joinder.**

11 **3. Privacy Issues Outweigh the rights of the Plaintiff and a Protective Order
12 should be issued.**

13 **4. This case should be severed and all but the first Doe Defendant should be
14 dismissed for failure to pay the proper filing fees.**

15 **5. Defendant Has Standing to Bring This Motion Because It Has Been Named and
16 It's Legal Rights are Affected.**

17 **IV. Evidence Relied Upon**

18 This Motion is based upon the Plaintiff's complaint, this Motion to Quash and Dismiss, the
19 Declaration of Doe 61, the Declaration of Gary Marshall, and the Defendant's Request to Take
20 Judicial Notice, which accompany this Motion.

21 **V. Authority**

22 **1. The Court should allow each Doe to proceed anonymously**

23 Does 61 should be permitted to file this motion anonymously It is the only way the defendant
can file this motions without identifying itself by name. See *Doe v. 2TheMart. Com Inc.*, 140 F.
Supp. 2d 1088 (Dist. Court, WD Washington 2001). The court concludes at 1098 that

1 The Internet is a truly democratic forum for communication. It allows
2 for the free exchange of ideas at an unprecedented speed and scale.
3 For this reason, the constitutional rights of Internet users, including
the First Amendment right to speak anonymously, must be carefully
safeguarded.

4 Although that case dealt with a subpoena to a non-party, the same principles apply here, where
5 the Defendant is seeking to appear anonymously only in the preliminary stages of litigation to
6 challenge the subpoena itself. Proceeding anonymously is the only method of not rendering moot
7 these proceedings by disclosing the very same information which Plaintiff seeks to obtain through
8 its improper subpoenas. Quashing the subpoena while requiring the defendant to proceed in its own
9 names would entirely defeat the purpose of the motion to quash. Accordingly, Doe 61 respectfully
10 requests that the Court permit it to proceed anonymously.

11 **2. This case should be severed and all but the first Doe Defendant should be
12 dismissed for improper Joinder**

13 Federal Civil, Rule of Procedure 20 permits Plaintiffs to join multiple defendants in a single
lawsuit if they meet certain criteria. The rule states in relevant part:

14 Rule 20. Permissive Joinder of Parties

15 (a) Persons Who May Join or Be Joined.

16 ...

17 (2) Defendants. Persons—as well as a vessel, cargo, or other property
18 subject to admiralty process in rem—may be joined in one action as
defendants if:

19 (A) any right to relief is asserted against them jointly, severally, or in
20 the alternative with respect to or arising out of the same transaction,
occurrence, or series of transactions or occurrences; and

21 (B) any question of law or fact common to all defendants will arise in
22 the action.

23 (3) Extent of Relief. Neither a plaintiff nor a defendant need be
interested in obtaining or defending against all the relief demanded.

1 The court may grant judgment to one or more plaintiffs according to
2 their rights, and against one or more defendants according to their
liabilities.

3 (b) Protective Measures. The court may issue orders—including an
4 order for separate trials—to protect a party against embarrassment,
5 delay, expense, or other prejudice that arises from including a person
against whom the party asserts no claim and who asserts no claim
against the party.

6 Plaintiff has filed a lawsuit against multiple defendants, asserting the defendants all took part in
7 the same bit-torrent swarm to infringe on plaintiff's copyright rights by downloading a movie file.
8 Plaintiff presents evidence that an IP address assigned to each defendant was part of the same
9 swarm at some time during the swarm's several days of existence.

10 The question of whether this allegation is sufficient to merit joinder has been heavily litigated.
11 For a good summary of some of the cases, see *Hard Drive Productions v. Does 1-188*, 809
12 F.Supp.2d 1150 at 1153-1154 (2011). That court concluded that the allegations did not merit joinder
13 and dismissed all but one Defendant.

14 Here, the Court finds the reasoning in *Boy Racer* and *Diabolic Video*
15 *Productions, Pacific Century International*, and *Millennium TGA*
16 persuasive. Does 1-188 did not participate in the same transaction or
17 occurrence, or the same series of transactions or occurrences. Under
18 the BitTorrent Protocol, it is not necessary that each of the Does 1-
19 188 participated in or contributed to the downloading of each other's
20 copies of the work at issue—or even participated in or contributed to
the downloading by any of the Does 1-188. Any "pieces" of the work
copied or uploaded by any individual Doe may have gone to any other
Doe or to any of the potentially thousands who participated in a given
swarm. The bare fact that a Doe clicked on a command to participate
in the BitTorrent Protocol does not mean that they were part of the
downloading by unknown hundreds or thousands of individuals
across the country or across the world.

21 Moreover, the court notes that the declaration submitted in this action,
22 like the declaration in *Boy Racer*, appears to contradict the assertion
23 that the Does named in this action are part of a single swarm. See
Hansmeier Decl., ¶ 13 ("[the first step in the infringer-identification

1 process is to locate swarms where peers are distributing the
2 copyrighted creative works."); ¶ 14 1164*1164 ("I used all three
3 methods to locate swarms associated with Plaintiff's exclusive
4 license."). Further, although Hansmeier states that he "collected data
5 on the peers in the swarm, including what activities each peer was
6 engaging in and other important such as the date and time that each
7 Defendant was observed by the software as engaging in infringing
8 activity," the exhibit attached to the complaint reflects that the activity
9 of the different IP addresses occurred on different days and times over
10 a two-week period. *Id.* at ¶ 15. Indeed, Plaintiff concedes that while
11 the Doe Defendants may have participated in the same swarm, "they
12 may not have been physically present in the swarm on the exact same
13 day and time." Application at 18; Complaint, Ex. A. As a result, the
14 Court finds unpersuasive the allegation that the Does acted in concert.
15 Therefore, the Court concludes that joinder of the Doe Defendants in
16 this action does not satisfy Rule 20(a).

17 In a very recent case decided on April 4, 2013, *Safety Point Products, LLC v. DOES 1-14, DOES*
18 *15-96, DOES 97-177, & DOES 178-197, CASE NOS. 1:12-CV-2812, 1:12-CV-2820, and 1:12-CV-*
19 *2831; 1:12-CV-2894* (US District Court, Northern District of Ohio) (a copy of which is attached to
20 the Request for Judicial Notice as Exhibit B), the court adopted the same reasoning;

21 Plaintiffs' complaint says "every John Doe infringer, in concert with
22 its John Doe swarm members, is allowing others to steal" and that
23 "each John Doe acts in an interactive manner with other John Does."
Despite Plaintiffs' statements, it is not at all clear that Defendants
were part of the same transaction or occurrence. "Merely alleging that
the Doe defendants all used the same file-sharing protocol,
BitTorrent, to conduct copyright infringement of plaintiff's film
without any indication that they acted in concert fails to satisfy the
arising out of the . . . same series of transactions or occurrences
requirement." Furthermore, a defendant's participation in a swarm
does not mean that the defendant is always present and active in the
swarm. Plaintiffs' IP address exhibits indicate that Defendants
accessed the swarm at different times, on different days, using
different BitTorrent clients. This suggests that Defendants were not
wrapped up in a single factual occurrence.

Plaintiffs' other suits pose similar joinder problems, with some
Defendants participating in the same swarm months apart from one
another, using even more varied BitTorrent clients.

1 Beyond the joinder analysis, this Court is unconvinced that Plaintiff
2 has even pleaded a prima facie case of copyright infringement .36/
3 Here, Plaintiffs provided only an IP address snapshot, and seeks to
4 use that information alone to justify their suit. Given the nature of
5 BitTorrent protocols, an individual could access the swarm, download
6 a small piece of the copyrighted material that could be useless, and
7 then leave the swarm without ever completing the download.
8 Consider Plaintiffs' motion for leave to take discovery, which states:
9 "Reassembling the pieces using a specialized BitTorrent Client results
10 in a fully playable digital motion picture. To this end, the mere
11 indication of participation weakly supports Plaintiffs' conclusions.

12 In sum, participation in a specific swarm is too imprecise a factor
13 absent additional information relating to the alleged copyright
14 infringement to support joinder under Rule 20(a).

15 The court in *Hard Drive Productions v. Does 1-18*, at 1164-65 also explains why discretionary
16 severance should also apply.

17 Even if joinder of the Doe Defendants in this action met the
18 requirements of Rule 20(a) of the Federal Rules of Civil Procedure,
19 the Court finds it is appropriate to exercise its discretion to sever and
20 dismiss all but one Doe Defendant to avoid causing prejudice and
21 unfairness to Defendants, and in the interest of justice. See Wynn, 234
22 F.Supp.2d at 1088.

23 First, permitting joinder in this case would undermine Rule 20(a)'s
purpose of promoting judicial economy and trial convenience because
it would result in a logistically unmanageable case. See Bridgeport
Music, Inc. v. IIC Music, 202 F.R.D. 229, 232-33 (M.D.Tenn.2001)
(holding permissive joinder of 770 putative defendants would not
promote judicial economy because the court's courtroom could not
accommodate all of the defendants and their attorneys, and therefore
could not hold case management conferences and could not try all of
plaintiff's claims together). Second, permitting joinder would force
the Court to address the unique defenses that are likely to be
advanced by each individual Defendant, creating scores of mini-trials
involving different evidence and testimony. In this respect, the Court
also notes that in Exhibit A to the Complaint there are listed at least
thirteen different internet service providers associated with Doe
Defendants, which could also give rise to different ISP-specific
defenses, evidence, and testimony. See Complaint, Ex. A.

1 Finally, the Court finds that permissive joinder of the Doe Defendants
2 does not comport with the "notions of fundamental fairness," and that
3 it will likely cause prejudice to the putative defendants. See Coleman,
4 232 F.3d at 1296. The joinder would result in numerous hurdles that
5 would prejudice the defendants. For example, even though they may
6 be separated by many miles and have nothing in common other than
7 the use of BitTorrent, each defendant must serve each other with all
8 pleadings—a significant burden when, as here, many of the
9 defendants will be appearing pro se and may not be e-filers. Each
10 defendant would have the right to be at each other defendant's
11 deposition—creating a thoroughly unmanageable situation. The
12 courtroom proceedings would be unworkable—with each of the 188
13 Does having the opportunity to be present and address the court at
14 each case management conference or other event. Finally, each
15 defendant's defense would, in effect, require a mini-trial. These
16 burdens completely defeat any supposed benefit from the joinder of
17 all Does in this case, and would substantially prejudice defendants
18 and the administration of justice.

10 Moreover, the Court notes that Plaintiff's allegation that all Doe
11 Defendants meet the Rule 20(a) joinder requirements is speculative
12 and conclusory. For example, while Plaintiff asserts that Doe
13 Defendants conspired with each other to download the work, Plaintiff
14 also asserts that "each defendant is a possible source of Plaintiff's file,
15 and may be responsible for distributing the file to the other
16 defendants." Application at 19 (emphasis added). Plaintiff also
17 concedes the Doe Defendants "may not have been physically present
18 in the swarm on the exact same day and time." Application at 18;
19 Complaint, Ex. A. In light of Plaintiff's uncertainty about the role of
20 each particular Doe Defendant and the relationship between the Doe
21 Defendants, the Court finds it appropriate to exercise its discretion to
22 sever all of the Doe Defendants but one in the interest of fairness. The
23 Court rejects Plaintiff's assertion that severing the Doe Defendants
would "practically prevent copyright holder plaintiffs from being able
to protect their material," as the Court's severance does not preclude
Plaintiff from filing individual copyright infringement actions against
each Doe Defendant. Application at 23.

20 Doe 61 has not encouraged anyone else to download movie files. They have not "acted in
21 concert with", worked together" or "directly interacted and communicated with" any other members
22 of any bit-torrent swarm, see Doe 61 Declaration, paragraph 6. All but one defendant should be
23 dismissed for improper joinder.

1 **3. Privacy Issues Outweigh the rights of the Plaintiff and a Protective Order**
2 **should be issued**

3 This case is a fishing expedition that should not be permitted. Federal Rule of Civil Procedure
4 45(c)(3)(a) states that a court must quash a subpoena that subjects a person to an "undue burden." A
5 court may "make any order which justice requires to protect a party or person from annoyance,
6 embarrassment, oppression, or undue burden and expense" upon a showing of good cause. Fed. R.
7 Civ. P. 26(c).

8 Relevancy for the purposes of Rule 26 is broadly construed. *E.g.*,
9 [Micro Motion Inc., 894 F.2d at 1326, 13 USPQ2d at 1701-02.](#)
10 However, the potential for discovery abuse is ever-present, and courts
11 are authorized to limit discovery to that which is proper and
12 warranted in the circumstances of the case. *See* Rule 26(b)(1); [Micro](#)
13 [Motion Inc., 894 F.2d at 1322-23, 13 USPQ2d at 1699.](#)

14 *Katz v. Batavia Marine & Sporting Supplies, Inc.*, 984 F.2d 422, 424 (Fed. Cir. 1993).

15 Courts should balance the need for discovery against the burden imposed on the person ordered
16 to produce documents. *Id.* An undue burden is identified by looking at factors such as relevance, the
17 need for the documents, the breadth of the document request, the time period covered by such
18 request, the particularity with which the documents are described, and the burden imposed. *Flatow*
19 *v. Islamic Republic of Iran*, 196 F.R.D. 203, 206-07 (D.D.C. 2000).

20 The subpoena in the instant case will most certainly subject Defendant to an undue burden.
21 Plaintiff only presents evidence linking the alleged download to Defendant's IP addresses. Plaintiff
22 does not present sufficient evidence indicating the Defendant was the individual who executed the
23 alleged illegal download of the "Work." Any individual permissibly or impermissibly using
24 Defendant's wireless Internet service could have executed the alleged download.

25 Courts have denied a similar Plaintiff's requests for pre-service discovery, finding that
26 "Plaintiffs sought-after discovery, as designed, has potential to draw numerous innocent internet

1 users into the litigation, placing a burden upon them that outweighs Plaintiffs need for discovery."
2 *Pacific Century International, Ltd v. Does 1-101*, CV-11 -2533 (DMR), 2011 WL 5117424 at *2
3 (N.D. Cal. Oct. 27, 2011). The Pacific Century court also found that a first round of discovery might
4 only lead to additional rounds of discovery if the owner of the IP address was not the infringer,
5 which the Court found cut against finding good cause for the first round of discovery. That court
6 additionally stated that this invasive discovery could lead to abusive settlement practices. "Nothing
7 prevents Plaintiff from sending a settlement demand to the individual that the ISP identifies as the
8 IP subscriber. That individual - whether guilty of copyright infringement or not - would then have to
9 decide whether to pay money for legal assistance, or pay the [settlement] money demanded."
10 *Pacific Century*.

11 It is absolutely impossible for an ISP or Plaintiff or anyone else to determine from an IP address
12 (a) what type of device was connected to the Internet connection of Defendant on the date in issue,
13 (b) who was using the device on that date, (c) who was aware of the use of that device on that date,
14 or (d) the physical location of any device that was linked to that IP address on that date.

15 Does 61 has provided a plausible argument that it did not download the movie files (See
16 Declaration of Doe 61, paragraph 5). And Gary Marshall has stated that in his experience around
17 twenty percent of the named parties did not download the movie file. (See Declaration of Gary
18 Marshall, paragraph 24 and 30)

19 Plaintiffs can not show that there is a strong likelihood that any of the Does personally infringed
20 on the Plaintiffs' copyrights. This court should issue a protective order against these subpoenas or
21 quash the subpoenas.
22
23

1 **4. This case should be severed and all but the first Doe Defendant should be**
2 **dismissed for failure to pay the proper filing fees**

3 By pursuing a mass action, Plaintiff has improperly avoided payment of filing fees.

4 This legal argument is adopted from the Magistrate Ruling, In Re Bit Torrent Adult Film
5 Copyright Infringement Cases, Order and Recommendation, Case 2:11-cv-03995-DRH-GRB,
6 Docket # 39, a copy of which is attached to the Request for Judicial Notice as Exhibit A.

7 The payment of court filing fees is mandated by statute. Specifically, the “district court shall
8 require the parties instituting any civil action, suit or proceeding in such court, whether by original
9 process, removal or otherwise, to pay a filing fee of \$350.” 28 U.S.C. § 1914(a). Of that amount,
10 “\$190 shall be deposited into a special fund of the Treasury to be available to offset funds
11 appropriated for the operation and maintenance of the courts of the United States.” 28 U.S.C.
12 §1931(1).

13 In multidistrict cases considering severance of cases, courts have noted that the filing fee has:

14 two salutary purposes. First, it is a revenue raising measure. . .
15 Second, §1914(a) acts as a threshold barrier, albeit a modest one,
16 against the filing of frivolous or otherwise meritless lawsuits. Had
17 each plaintiff initially instituted a separate lawsuit as should have
18 occurred here, a fee would have been collected for each one. . . .
19 Thus, the federal fisc and more particularly the federal courts are
20 being wrongfully deprived of their due. By misjoining claims, a
21 lawyer or party need not balance the payment of the filing fee against
22 the merits of the claim or claims.

23 *In re Diet Drugs*, 325 F. Supp. 2d 540, 541-42 (E.D. Pa. 2004); see also *In re Seroquel Prods.*
Liability Litig., 2007 W L 737589, at * 2-3 (M. D. Fla. Mar. 7, 2007) (denying reduction of filing
fees, noting the burden on the court and the “gate keeping feature of a filing fee”).

1 Several courts in similar cases involving BitTorrent protocol have also recognized the effect of a
2 countenancing a single filing fee. One court described the “common arc of the plaintiffs’ litigating
3 tactics” in these cases:

4 ...these mass copyright infringement cases have emerged as a strong
5 tool for leveraging settlements—a tool whose efficacy is largely derived
6 from the plaintiffs’ success in avoiding the filing fees for multiple suits
7 and gaining early access en masse to the identities of alleged infringers.

8 *Pacific Century*, 2012 W L 1072312, at * 3. Thus, the plaintiffs file a single case, and pay one
9 filing fee, to limit their expenses as against the amount of settlements they are able to negotiate.
10 Postponing a determination on joinder in these cases “results in lost revenue of perhaps millions of
11 dollars (from lost filing fees) and only encourages plaintiffs in copyright actions to join (or misjoin)
12 as many doe defendants as possible.” *K-Beech, Inc. v. John Does 1-41*, 2012 WL 773683, at *5
13 (S.D. Tex. 2012).

14 In the related movie download cases before this Court, plaintiffs represented by Richard
15 Symmes have improperly avoided paying filing fees for 2,578 defendants by employing its swarm
16 joinder theory. Plaintiffs represented by Love, Graham, Jones have improperly avoided paying
17 filing fees for 103 Does amounting to \$36,050 in unpaid fees. That amounts to \$902,300 in filing
18 fees that have not been paid. (Marshall Declaration, paragraphs 33-36)

19 This is by itself a significant sum of money. If the reported estimates that hundreds of thousands
20 of such defendants have been sued nationwide are at all accurate, plaintiffs in similar actions may
21 be evading millions of dollars in filing fees. Nationwide, these plaintiffs have availed themselves of
22 the resources of the court system on a scale rarely seen. They should not be permitted to profit
23 without paying statutorily required fees.

1 **5. Defendant Has Have Standing to Bring This Motion Because It Has Been**
2 **Named and Its Legal Rights are Affected**

3 Plaintiffs in similar cases in response to similar motions to quash have raised the argument that
4 specific defendants have no standing to raise legal issues because they have not been named as
5 parties in the lawsuit. This is simply not true. The Defendant bringing this motion has been named
6 in the lawsuit as Does with specific IP addresses. Each of these IP addresses is a reference is to a
7 specific person who is identifiable. If that person were not identifiable there would be no point in
8 bringing this lawsuit. The Plaintiff is merely using a synonym until it learns the individuals' legal
9 names. It is seeking to subpoena personal information about each specific person. It should not be
10 able to avoid due process and proceed without notice and opportunity to the defendants to be heard
11 simply because the Plaintiff is currently using a synonym for the legal name of the defendants.

12 A party has standing to challenge a subpoena issued to the third party when the party has a
13 personal or proprietary interest in the information sought by the subpoena.

14 "A motion to quash, or for a protective order, should generally be made by the person from
15 whom the documents or things are requested." *Washington v. Thurgood Marshall Academy*, 230
16 F.R.D. 18, 21 (D.D.C. 2005) (quoting 9A Charles Alan Wright & Arthur R. Miller, *Federal Practice*
17 & Procedure § 2459 (2d ed. 1995)). "A party generally lacks standing to challenge a subpoena
18 issued to a third party absent a claim of privilege, propriety interest, or personal interest in the
19 subpoenaed matter." *Id.*; accord *Windsor v. Martindale*, 175 F.R.D. 665, 668 (D. Colo. 1997)

20 The Does have a personal or proprietary interest in their address, phone number, email address,
21 and the other identifying details sought by the Plaintiffs. Congress has recognized that ISP
22 subscribers have a privacy interest in the personally identifying information kept by ISPs. 47
23

1 U.S.C. §551 requires that an ISP subscriber be notified and given a chance to intervene before his
2 identifying information is released to the Plaintiff.

3 47 U.S.C. §551 (c) (2) A cable operator may disclose such
4 information if the disclosure is—

5 ...

6 (B) subject to subsection (h) of this section, made pursuant to a court
7 order authorizing such disclosure, if the subscriber is notified of such
8 order by the person to whom the order is directed;

9 This process makes no sense if a subscriber lacks standing to bring any motions to prevent the
10 release of his information.

11 **VI. Conclusion**

12 The Internet is changing the rules by which all businesses must operate. The movie industry is
13 no exception. But suing hundreds of thousands of possible movie downloaders and scaring them
14 into quick settlements is not the way to adapt. For the reasons stated above, Plaintiff's Subpoenas to
15 Various Defendant Does should be quashed and the Does should be dismissed from this case.

16 Dated this 5th day of May, 2013

17 Law Offices of Gary Marshall

18 By /s/ Gary K. Marshall
19 Gary K. Marshall, WSBA # 15344
20 Attorneys for Defendant
21 Doe 61 with IP address 174.61.182.92

22 Certificate of Service

23 I hereby certify that on May 5, 2013, I electronically filed this document with the Clerk, of
the Court using the CM/ECF electronic filing, which will provide notice to all counsel of record
herein.

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/s/ Gary K. Marshall
Gary K. Marshall, WSBA # 15344
Attorneys for Defendant
Doe 61 with IP address 174.61.182.92

Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

Canal Street Films, Inc.,
Plaintiff,

vs.

Does 1- 105,
Defendants.

No. 2:13-cv-007 RSMJ-RSL

(Proposed) Order

IT IS ORDERED that all defendants except Doe 1 are hereby SEVERED from this action.

IT IS FURTHER ORDERED that within thirty (30) days from the entry of this Order, the plaintiff may file individual complaints against those Doe defendants whom it wishes to proceed. Upon election to proceed, plaintiff shall submit to the Clerk of the Court filing fees for each of the complaints against those defendants whom plaintiff wishes to proceed. Such cases will be assigned separate civil action numbers and placed on the Court's docket.

IT IS FURTHER ORDERED that plaintiff is directed to serve notices on all Doe defendants for whom it has received identifying information. The notices shall inform each Doe that his or her case has been severed. Plaintiff shall file, under seal, copies of all such notices with the Court

1 and send copies of this Order to all Doe defendants for which it has received identifying
2 information.

3 IT IS FURTHER ORDERED that all subpoenas are hereby QUASHED. Additionally,
4 plaintiff is ORDERED to notify, at its expense, all those to whom that plaintiff has previously
5 given notice of plaintiff s subpoenas that plaintiff will take no further action in connection with
6 the enforcement of subpoenas against any defendant in this case pending further order of the
7 Court.

8 IT IS FURTHER ORDERED that this matter is hereby STAYED. No additional action may
9 occur until the filing fees are paid.

10 IT IS FURTHER ORDERED that plaintiff notify Doe defendants for whom it has received
11 identifying information and all involved internet service providers that no case will remain
12 pending until the filing fees are paid.

13 The Clerk of Court is directed to assign each of the above-captioned civil actions to Doe 1 as
14 an individual defendant in each case

15 The actions filed within 30 days of this Memorandum Order against any other Doe
16 defendants severed from this case will be deemed to have been filed as of the filing date of the
17 original Complaint.

18 Signed this ___ day of June, 2013, at Seattle, Washington.

19
20
21 _____
Honorable Judge Robert S. Lasnik