

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BOY RACER, INC., )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 11 C 2984  
 )  
 DOES 1-22, )  
 )  
 Defendant. )

MEMORANDUM ORDER

It seems that attorney John Steele ("Steele") might be well advised to stay away from Las Vegas or other casinos, because his current filing on behalf of plaintiff Boy Racer, Inc. has--despite odds in the range of 25 to 1--been assigned at random to the calendar of this District Court, which had previously been the recipient of another random assignment of a Steele-filed action (that one being CP Productions, Inc. v. Does 1-300, No. 10 C 6255). This Court had ended up dismissing the CP Productions action for the reasons stated in its February 7, 2011 memorandum order and its February 24, 2011 memorandum opinion and order, which (among other reasons) rejected attorney Steele's effort to shoot first and identify his targets later.

As appeared to be true in the CP Productions case, it would seem feasible for Steele and his client to pursue the normal path of suing an identifiable (and identified) defendant or defendants rather than a passel of "Does." Moreover, that practice would also facilitate the determination as to which defendant or

defendants is or are amenable to suit here in Illinois, as well as testing the viability of the currently amorphous Count II assertion of a civil conspiracy.

Accordingly, just as in CP Productions, both the Complaint and this action are dismissed without prejudice. As in that case, Boy Racer is free to advance its copyright infringement claims against one or more identified defendants on an individual basis or, if appropriate, a plausible conspiracy theory.



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Milton I. Shadur  
Senior United States District Judge

Date: May 9, 2011