

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THE THOMPSONS FILM, LLC)	
)	
Plaintiff,)	No. 6:13-cv-469-TC
)	
v.)	ORDER and
)	FINDINGS AND RECOMMENDATION
)	
DOES 1-155,)	
)	
Defendants.)	
)	
)	

COFFIN, Magistrate Judge:

Plaintiff The Thompsons Film, LLC filed this action March 19, 2013, asserting copyright infringement against 155 users of various BitTorrent clients, identified only by their internet protocol (IP) addresses. Plaintiff alleges defendants collectively interconnected, via the BitTorrent protocol to illegally copy and

distribute plaintiff's film *The Thompsons*.

Plaintiff has already obtained permission from the court to take discovery, prior to a Rule 26 conference, allowing it to subpoena records from various internet service providers (ISPs) around the State to discover the identities of the BitTorrent users who joined in the distribution of the pieces of the movie *The Thompsons* over a period ranging from December 2, 2012, to February 26, 2013. Various Doe defendants seek to quash. In addition, plaintiff seeks clarification regarding discovery as to Does named in the amended complaint.

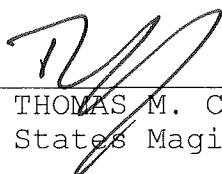
The district court has already determined, in a similar action involving Doe defendants utilizing BitTorrent, that joinder is inappropriate and that individual cases should be pursued. I agree and for the reasons stated in Voltage Pictures v. Does 1-198, 6:13-cv-290-AA, Order dated May 4, 2013 (#50), all Doe defendants should be severed beyond Doe #1 and should be dismissed from this action. Accordingly, all outstanding subpoenas are quashed and all other pending motions are denied as moot.

CONCLUSION

For the reasons stated above, all outstanding subpoenas are quashed and all pending motions are denied as moot. Doe defendants beyond Doe #1 should be severed and dismissed from this action and plaintiff should submit an amended complaint within 10 days.

The recommendation to sever and dismiss Doe defendants is not an order that is immediately appealable to the Ninth Circuit Court of appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties shall have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determination of the Magistrate Judge will be considered as a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to this recommendation.

DATED this 14 day of May, 2013.



THOMAS M. COFFIN
United States Magistrate Judge