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**United States District Court
Central District of California
Western Division**

STRIKE 3 HOLDINGS, LLC,
Plaintiff,

v.

**JOHN DOE SUBSCRIBER
ASSIGNED IP ADDRESS
75.84.181.123,**
Defendants.

CV 19-10674 TJH (SPx)

Order to Show Cause

AND RELATED COUNTERCLAIM.

The Court has considered the motion to dismiss the counterclaim filed by Plaintiff and Counterdefendant Strike 3 Holdings, LLC ["Strike 3"], together with the moving and opposing papers.

On December 17, 2019, Strike 3 filed this copyright infringement action against Defendant John Doe subscriber assigned IP address 75.84.181.123 ["John Doe"]. On May 11, 2020, John Doe filed a counterclaim against Strike 3, seeking a declaration that he did not infringe Strike 3's copyright. On May 19, 2020, Strike 3 filed: (1) A redacted First Amended Complaint ["FAC"] that substituted a new defendant in place of John Doe; and (2) An *ex parte* application for leave to file the underacted FAC under

1 seal.

2 On June 1, 2020, the Court denied Strike 3's *ex parte* application for failure to
3 comply with the Local Rules. Later that day, Strike 3 filed a motion to dismiss the
4 counterclaim. In its motion to dismiss the counterclaim, Strike 3 acknowledged that
5 John Doe was not the infringer of its copyright, and argued that the FAC did not
6 include John Doe as a defendant and that John Doe lacked an injury-in-fact and
7 standing to assert his counterclaim for declaratory judgment.

8 On September 3, 2020, the Court amended its June 1, 2020, order to, also, strike
9 the redacted FAC from the record because there was not a corresponding unredacted
10 version of the FAC filed under seal.

11 Thus, the original complaint remains the operative complaint.

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13 Accordingly,

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15 **It is Ordered** that Strike 3 shall show cause, if it has any, as to why this case
16 should not be dismissed given Strike 3's acknowledgment that John Doe did not
17 infringe its copyright. Strike 3 shall file a written response to this Order to Show Cause
18 by September 25, 2020. In lieu of a written response, the Court will accept a notice of
19 voluntary dismissal. If Strike 3 intends to, properly, move to file a First Amended
20 Complaint under seal, it shall respond to this Order to Show Cause and state its
21 intentions. If Strike 3 files a written response, an opposition brief, if any, may be filed
22 no later than seven days after Strike 3's response is filed. Strike 3 may file a reply brief
23 to any opposition brief no later than seven days after any opposition brief is filed.

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25 **It is further Ordered** that John Doe shall show cause, if he has any, as to why
26 his counterclaim should not be dismissed for lack of a case or controversy. John Doe
27 shall file a written response to this Order to Show Cause by September 25, 2020. In
28 lieu of a written response, the Court will accept a notice of voluntary dismissal of the

1 counterclaim. If John Doe files a written response, an opposition brief, if any, may
2 be filed no later than seven days after John Doe's response is filed. John Doe may file
3 a reply brief to any opposition brief no later than seven days after any opposition brief
4 is filed.

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6 Date: September 9, 2020

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9 **Terry J. Hatter, Jr.**
10 **Senior United States District Judge**

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