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

DISCOUNT VIDEO CENTER, INC., dba  
MAYHEM, a California corporation,

Plaintiff,

v.

DOES 1-5041,

Defendants.

No. C 11-02694 CW

ORDER ADOPTING  
MAGISTRATE JUDGE  
GREWAL'S  
RECOMMENDATION AND  
DENYING  
PLAINTIFF'S MOTION  
FOR LEAVE TO TAKE  
EARLY DISCOVERY  
(DOCKET NO. 17)

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This is one of several mass copyright infringement suits that have been brought in this district by numerous pornographic movie producers. Plaintiff seeks relief from Magistrate Judge Grewal's September 23, 2011 order. The motion for relief is untimely under Federal Rules of Civil Procedure 72(a) and 72(b)(1), which state, respectively, that objections to a magistrate's order on a non-dispositive matter and a recommendation as to a dispositive matter must be filed within fourteen days of service of a copy of the order or recommendation. Although the deadline was October 7, 2011, the motion was filed on October 12, 2011. The motion for

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relief also lacks merit. Magistrate Judge Grewal's denial of early discovery is not clearly erroneous. Furthermore, having reviewed the September 23, 2011 order and Plaintiff's objections, the Court adopts Judge Grewal's recommendation that Does 2-5,041 be severed from the action and that the action against Does 2-5,041 be dismissed without prejudice to refiling as separate actions. Plaintiff's motion is DENIED. Docket No. 17.

IT IS SO ORDERED.

Dated: 10/19/2011

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge

cc: PSG