

1 IN THE UNITED STATES DISTRICT COURT
2
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 NEW SENSATIONS, INC.,

5 Plaintiff,

6 v.

7 DOES 2-1768,

8 Defendants.
9 _____/

No. C 11-2835 CW

ORDER SEVERING AND
DISMISSING WITHOUT
PREJUDICE CLAIMS
AGAINST DOES 3
THROUGH 1768

10
11 On December 22, 2010, Plaintiff New Sensations, Inc., filed a
12 complaint, bringing claims for copyright infringement against 1,768
13 Doe Defendants. See New Sensations, Inc. v. Does 1-1768, Case No.
14 C 10-5864 PSG (N.D. Cal.). On May 31, 2011, the magistrate judge
15 to whom Plaintiff's original complaint was assigned severed
16 Plaintiff's claims against Does 2 through 1768, concluding that
17 these claims do not arise out of the same transaction, occurrence,
18 or series of transactions or occurrences from which Plaintiff's
19 claim against Doe 1 arises. The magistrate judge recommended that,
20 after reassignment to an Article III judge, the claims against Does
21 2 through 1768 be dismissed.


22 The Court adopts the magistrate judge's recommendation in
23 part. Plaintiff's complaint offers no indication that Plaintiff's
24 claim against Doe 2 is sufficiently related to its claims against
25 the remaining Doe Defendants. Plaintiff alleges only that each Doe
26 Defendant has "reproduced and distributed to the public at least a
27 substantial portion of Plaintiff's copyright work." Compl. ¶ 10.
28 This allegation does not suggest that each Doe Defendant engaged in

1 the same infringement or series of infringements. Although
2 Plaintiff pleads that all Doe Defendants have agreed to violate its
3 copyrights, it offers no factual basis for this allegation.
4 Consequently, Plaintiff's claims against Does 3 through 1,768 are
5 not properly joined to this action.

6 Accordingly, the Court SEVERES and DISMISSES without prejudice
7 Plaintiff's claims against Does 3 through 1,768 based on
8 misjoinder. If Plaintiff files new complaints against these
9 Defendants within twenty-one days, those actions will be deemed a
10 continuation of the original action for purposes of the statute of
11 limitations. Plaintiff's action against Doe 2 may go forward.

12 IT IS SO ORDERED.

13
14 Dated: 8/11/2011



CLAUDIA WILKEN
United States District Judge