

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

SLEP-TONE ENTERTAINMENT CORP.,

Plaintiff,

vs.

CASE NO. 5:11-cv-69/RS-EMT

ARTHUR ALLEN, et al.,

Defendants.

ORDER

Before me are the Show Cause Order (Doc. 28) and Plaintiff's Response (Doc. 39).

Permissive joinder allows multiple defendants to be joined in one action if the right to relief arises "out of the same transaction, occurrence, or series of transactions or occurrences" and "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2).

Here, it is clear that common questions of law predominate. Plaintiff represents that common questions of fact will also be at issue with only "time and place" differences. However, these "time and place" differences make inappropriate the joinder of parties who reside throughout the state's three districts. Permissive joinder is a doctrine of discretion, not of plaintiff's right. Its justification lies in considerations of judicial economy, convenience and fairness to litigants. *Alexander v. Fulton County*, 207 F.3d 1303, 1323 (11th Cir. 2000) (Citing *United Mine Workers v. Gibbs*, 383 U.S. 715,

726 (1966). Quite simply, it is unfair to require defendants who reside in the Southern District and the Middle District to be hailed to court in the Northern District. I intend to sever those defendants who reside in a different district and/or those defendants where Plaintiff has alleged that a substantial part of the events giving rise to the claim occurred in a different district. *See* 28 U.S.C. § 1391(b).

Plaintiff shall file a particularized report which (1) identifies the district in which each defendant resides and (2) identifies the district(s) where a substantial part of the events giving rise to the claim occurred for each of the Defendants – i.e., the location(s) where the defendants have allegedly used the trademark infringing products.

This report shall be filed not later than July 21, 2011.

ORDERED on July 7, 2011.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE