

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-60191-CIV-COHN

ELEKTRA ENTERTAINMENT GROUP, INC.
et al.,

Plaintiffs,

vs.

VERONICA BLACKMAN,

Defendant.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

_____ THIS CAUSE is before the Court upon filing of the Complaint [DE 1]. The Court has carefully considered the complaint and is otherwise fully advised in the premises.

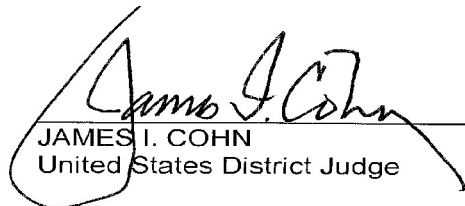
Plaintiffs, music industry recording companies that own many copyrighted recordings, filed this action for copyright infringement based upon allegations that the Defendant, without permission from Plaintiffs, used an online media distribution system to download copyrighted recordings, to distribute those recordings, and/or to make the copyrighted recordings available for others to distribute. The allegation of wrongdoing by Defendant consists of one sentence without any specifics as to what was copied and when such alleged infringement occurred. (Compl., § 15.)

Attached to the Complaint but not explained at all in the text of the Complaint is Exhibit B, which contains printouts from Kazaa, which apparently is the unnamed online media distribution system mentioned in the Complaint as the means by which the alleged infringement took place. The long printout from Kazaa appears to be the downloads by a user named "tweetmy01." However, there are no allegations in the

Complaint that the Defendant, Veronica Blackman, is the user "tweetmy01." Absent that link, even under the liberal pleading standards of Rule 8 of the Federal Rules of Civil Procedure, the Complaint as filed fails to state a claim for relief against the named Defendant (the Court is not suggesting that Plaintiffs are required to explain precisely why they have come to believe Plaintiff is "tweetmy01" in the complaint, but rather to somehow link the blanket assertion of copyright infringement with the printout).

Accordingly, it is **ORDERED AND ADJUDGED** that the Complaint [DE 1] is hereby **DISMISSED**, without prejudice to refile. Failure to refile the complaint within 30 days shall result in the closing of this case. If the initial complaint has already been personally served upon Defendant, then the Amended Complaint need only be served by mail upon Defendant.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 15th day of February, 2007.


JAMES I. COHN
United States District Judge

copies to:

Chaila D. Restall, Esq.