

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BROADCAST MUSIC, INC.; HOUSE OF  
CASH, INC.; GREGMARK MUSIC, INC.;  
LORD AND WALKER PUBLISHING; and  
SONY/ATV SONGS LLC,

Plaintiffs,

v.

TERRY WRAY, SR.,

Defendant.

Case No. 17-cv-284-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the plaintiffs' motion for joinder of Terry Lee Wray II as a defendant pursuant to Federal Rule of Civil Procedure 20(a)(2) (Doc. 36). They point to evidence suggesting Wray II owns and/or operates the Towne Lounge such that he is an appropriate defendant in this copyright infringement case alleging copyrighted music was unlawfully publicly performed at the Towne Lounge in O'Fallon, Illinois.

While the plaintiffs have addressed why they think joinder is appropriate under Rule 20(a)(2), they have not submitted a proposed amended complaint naming Wray II as a defendant. Amending a pleading is the only way to add a new defendant, and Local Rule 15.1 requires a party to submit a proposed amended pleading when it seeks leave to file it. Nor have the plaintiffs attempted to explain why amendment at this point in the case would be appropriate under Federal Rule of Civil Procedure 15(a)(2) or why there is good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the deadline for amending a pleading—September 12, 2017—set forth in the Court's August 3, 2017, scheduling order (Doc. 19).

In light of the foregoing shortcomings, the Court **DENIES** the plaintiffs' motion for

joinder (Doc. 36) **without prejudice** to their filing a motion for leave to amend the complaint to add Wray II. The plaintiffs should address in their motion the relevant factors under Rules 15, 16 and 20 and should submit a proposed amended complaint as required by Local Rule 15.1.

**IT IS SO ORDERED.**

**DATED: September 5, 2018**

s/ J. Phil Gilbert

**J. PHIL GILBERT**

**DISTRICT JUDGE**