UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WWE STUDIOS FINANCE CORP.,

Plaintiff(s),

v.

CHERI BUSBY,

Defendant(s).

Case No. 2:17-cv-00897-MMD-NJK

ORDER

REPORT AND RECOMMENDATION

This is one of several cases alleging numerous defendants engaged in copyright infringement through BitTorrent. *See, e.g.*, Docket No. 1 at ¶¶ 10, 14-35; Docket No. 1-1 (identifying the IP addresses for 24 Doe Defendants); Docket No. 11-1 (amended complaint with 11 named defendants). On May 23, 2017, the Court ordered Plaintiff to show cause why the Court should not (1) sever all defendants except the first defendant, (2) dismiss the remaining defendants without prejudice, and (3) quash the subpoenas for discovery to the extent they pertain to any defendants other than the first named defendant. Docket No. 9 (citing *Third Degree Films, Inc. v. Does 1-131*, 280 F.R.D. 493 (D. Ariz. 2012); *Hard Drive Prods., Inc. v. Does 1-188*, 809 F. Supp. 2d 1150 (N.D. Cal. 2011); *On the Cheap, LLC v. Does 1-5011*, 280 F.R.D. 500 (N.D. Cal. 2011); *LHF Prods., Inc. v. Does 1-20*, 2016 WL 7423094 (E.D. Va. Dec. 22, 2016); and *ME2 Prods., Inc. v. Does 1-14*, 2016 WL 6948333 (N.D. Ga. Nov. 28, 2016)). The deadline to respond to that order to show cause was set for June 6, 2017. *Id.* To date, no response has been filed.

The Court hereby **ORDERS** that the subpoenas issued in this case are **QUASHED**, as follows. Given Plaintiff's recent amendment naming 11 Defendants in this case, the Court hereby **QUASHES** the

outstanding subpoenas regarding any Doe Defendant who has not been identified.[1] Plaintiff is **ORDERED** to promptly serve a copy of this order on the recipient(s) of any outstanding subpoenas, and shall file a proof of service of the same by June 20, 2017. The recipient(s) of any outstanding subpoenas shall retain the subpoenaed information for a period of at least 60 days from the date of the issuance of this order, so that it will be available if Plaintiff proceeds in a prompt manner against the remaining defendants in new cases and obtains permission to seek early discovery in those cases.

The undersigned further **RECOMMENDS** that all Defendants except Cheri Busby be **SEVERED** and **DISMISSED** without prejudice.[2]

Plaintiff is **ORDERED** to promptly serve a copy of this order and report and recommendation on any defendant who has not yet appeared, and shall file a proof of service of the same by June 20, 2017.

IT IS SO ORDERED

Dated: June 13, 2017

NANCY J. KOPPE
United States Magistrate Judge

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the

[1] Hence, it appears this order in this case is limited to quashing the subpoena served on CenturyLink. *Compare* Docket No. 1-1 *with* Docket No. 11-1.

[2] Although Plaintiff did not respond to the order to show cause in this case, its counsel did respond to orders to show cause on these same issues in other cases brought by other Plaintiffs. Concurrently herewith, the undersigned is issuing orders and reports and recommendations in these other cases that more fully elaborate why joinder is improper. *See, e.g.*, *ME2 Prods., Inc. v. Bayu*, Case No. 2:17-cv-00724-JCM-NJK; *LHF Prods., Inc. v. Kabala*, Case No. 2:16-cv-02028-JAD-NJK.

District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).