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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LHF PRODUCTIONS, INC.,)	CASE NO. C16-1017RSM
)	
Plaintiff,)	
)	ORDER DENYING DEFENDANT
v.)	DOE #3’S THIRD MOTION TO QUASH
)	
STEPHANIE FARWELL, an individual;)	
LARRY C. LEWIS, an individual;)	
HEATHER NELSON, an individual;)	
JASON FAIRCHILD, an individual;)	
SVETLANA KUKHAR, an individual;)	
PATRICIA ALEXANDER, an individual;)	
DAVID LEIBENSPERGER, an individual;)	
KURT ZIMMERMAN, an individual; and)	
LAUREN PUCCI, an individual,)	
<u>Defendants.</u>)	

This matter comes before the Court on Defendants Doe #3’s Third Motion to Quash, Dkt. #33. This is a copyright infringement case against several unknown John Doe Defendants that appear to be using “peer to peer” or BitTorrent file “swapping” networks to illegally obtain and distribute the copyrighted motion picture “London Has Fallen.” See Dkt. #1 at ¶¶ 10-35. Plaintiff has obtained expedited discovery in this matter in order to identify and name the John Doe Defendants so it can complete service of process and proceed with litigation. Dkt. #8.

1 On August 19, 2016, Defendant Doe #3 brought a Motion to Quash, which the Court
2 denied. Dkt. #19. On October 5, 2016, Defendant Doe #3 brought a Second Motion to Quash.
3 Dkt. #25. The Court denied that Motion, too. *See* Dkt. #29. In so doing, the Court noted that
4 Doe #3 was “recycling prior briefing verbatim without acknowledging the prior Motion or
5 Order.” *Id.* at 2. The Court found that this was done in bad faith. *Id.* at 3. On November 7,
6 2016, Doe #3 filed this third Motion to Quash. Dkt. #33.

8 In the instant Motion, Doe #3 argues that Plaintiff has failed to make a *prima facie*
9 showing of personal jurisdiction. Dkt. #33 at 4. Doe #3 argues that joinder of the Defendants
10 in this case is improper. *Id.* at 6.

11 In response, Plaintiff argues that Doe #3 is recycling prior arguments. Dkt. #36 at 3.
12 Plaintiff argues that its Amended Complaint “clearly alleged an adequate basis for personal
13 jurisdiction.” *Id.* (citing Dkt. #26 at ¶¶ 2-4, 10-30). Plaintiff argues that Doe #3’s arguments
14 related to personal jurisdiction appear to come from outdated briefing in prior cases. *Id.* at 3-4.
15 Plaintiff again argues that Doe #3’s arguments are outdated and not supported by current law in
16 this district. Dkt. #36 at 4 (citing *Dallas Buyers Club, LLC v. Does*, Case No. 14-cv-1336RAJ
17 (Nov. 14, 2014) (Dkt. 16); *Dallas Buyers Club, LLC v. Does*, Case No. 14-cv-1819RAJ (Feb.
18 13, 2015) (Dkt. 16); *Dallas Buyers Club, LLC v. Does*, Case No. 14-cv-1926RAJ (Feb. 13,
19 2015) (Dkt. 15); *Cobbler Nevada, LLC v. Does*, Case No. 15-cv-1408TSZ (Nov. 19, 2015)
20 (Dkt. 13); *Cobbler Nevada, LLC v. Does*, Case No. 15-cv- 1435TSZ (Dec. 18, 2015) (Dkt. 21)).
21 Plaintiff requests sanctions against Doe #3 under the Court’s inherent authority. *Id.* at 7. Doe
22 #3 has again failed to file a Reply in support of his Motion.
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26 The Court has broad discretion to manage discovery and to control the course of
27 litigation under Federal Rule of Civil Procedure 16. *See Avila v. Willits Env'tl. Remediation*
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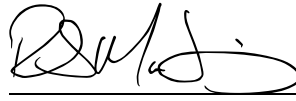
1 *Trust*, 633 F.3d 828, 833 (9th Cir. 2011). Under Rule 45(d)(3)(A), the Court must quash or
2 modify a subpoena that requires disclosure of privileged or other protected matter or subjects a
3 person to undue burden. The Court may limit the extent of discovery if the discovery sought
4 “can be obtained from some other source that is more convenient, less burdensome, or less
5 expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i).
6

7 The Court has already ruled on many of the issues raised in the instant Motion and will
8 not revisit them. *See* Dkts. #19 and #29. To the extent there are issues not previously
9 addressed, the Court finds that there is a *prima facie* showing of personal jurisdiction in this
10 case for the reasons stated by Plaintiff and that joinder of these Defendants is appropriate.
11 Accordingly, Defendant Doe #3’s Third Motion to Quash will be denied.
12

13 The Court concludes that Doe #3 has again brought a Motion in bad faith. Plaintiff is
14 correct that Doe #3 raises arguments that have already been rejected by the Court. Further, this
15 Motion incorporates briefing from other cases, with facts from those cases that clearly do not
16 apply to this case. *See, e.g.*, Dkt. #33 at 11-12 (“Plaintiff produces explicit hardcore
17 pornographic films.... Defendant faces an inherent risk of embarrassment if its name is
18 associated with the alleged sharing of such a pornographic film”). Doe #3 has already been
19 chastised by the Court for this behavior. *See* Dkt. #29 at 3. It appears that Doe #3 is not
20 deterred by the Court’s rulings and intends to continue to file motions to quash *ad nauseam*,
21 hoping to delay this case. The Court will not tolerate such behavior, and warns Doe #3 that a
22 request for monetary sanctions will be granted if he files another motion in bad faith.
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25 Having reviewed the relevant briefing, the declarations and exhibits attached thereto,
26 and the remainder of the record, the Court hereby finds and ORDERS that Defendant Doe #3’s
27 Third Motions to Quash, Dkt. #33, is DENIED.
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DATED this 28th day of November, 2016.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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