

1
2
3
4
5
6
7
8
9
10
11

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

I.T. PRODUCTIONS, LLC,

Plaintiff,

v.

JOHN SEARLE, et al.,

Defendants.

C16-1775 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
Thomas S. Zilly, United States District Judge:

13 (1) Plaintiff's motion to resume case, docket no. 75, is GRANTED, but solely
14 for the purpose set forth in this Minute Order. After plaintiff filed its motion to resume
15 case, the United States Court of Appeals for the Ninth Circuit issued a decision in
Cobbler Nevada, LLC v. Gonzales, 901 F.3d 1142 (9th Cir. 2018), which requires
16 plaintiff to plead, in support of its copyright infringement claims, "something more" than
17 each defendant's status as the subscriber of an Internet Protocol address associated with
18 transmission of a segment of plaintiff's motion picture via a peer-to-peer network using
the BitTorrent protocol. *See id.* at 1145. Plaintiff is hereby DIRECTED to SHOW
CAUSE, on or before November 16, 2018, why the Court should not vacate the defaults¹
entered in these matters and dismiss plaintiff's claims (either with or without prejudice,
with or without leave to amend) for failure to state a claim.

19
20
21 ¹ Default has been entered as to defendants Scott Gifford, Tho Sam, and William Stitt, *see* Minute Order
at ¶ 1 (docket no. 62), Andrew Howard, *see* Order (docket no. 72), and Dona Fristoe, *see* Order (docket
22 no. 73). The Court previously declined to enter default against defendants Kent Browning, Ryan Caruso,
Kenneth Christian, and John Searle. *See* Minute Order at ¶ 3 (docket no. 62). Plaintiff's unnoted motion
for reconsideration, docket no. 70, as to the refusal to enter default is DENIED.

1 (2) Any objection by a defendant to plaintiff's response to this show cause
order shall be filed by December 7, 2018. Any reply by plaintiff to any such objection
2 shall be filed by December 14, 2018.

3 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
record and to all remaining (albeit defaulted) pro se defendants.

4 Dated this 19th day of October, 2018.

5
6 William M. McCool
Clerk

7 s/Karen Dews
8 Deputy Clerk