

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

POW NEVADA, LLC,
Plaintiff
v.
DOE 2, et al.,
Defendant

Case No. C17-1649RSM

ORDER TO SHOW CAUSE

DOE 2, et al.,

This matter was filed on November 3, 2017. *See* Dkt. #1. Plaintiff POW Nevada, LLC, (“POW”) alleges twelve Doe Defendants participated in the same BitTorrent “swarm” to infringe the same unique copy of the movie *Revolt*. *Id.* ¶¶ 10–14. Because the identities of the Doe Defendants are unknown, POW has filed a motion to expedite discovery. Dkt. #4. The Doe Defendants are represented by Internet Protocol (“IP”) addresses which allegedly demonstrate that the Doe Defendants participated in on-line sharing of the movie *Revolt* between 12:19 a.m. on September 22, 2017, and 9:24 a.m. on September 27, 2017. Dkt. #1, Ex. B. Although the evidence of internet activity shows that hours, if not days, separated each defendant’s allegedly infringing conduct, POW alleges that all twelve Doe Defendants participated in a single BitTorrent “swarm.”

ORDER — 1

1 and that the “swarm” aspect of their alleged file-sharing justifies joinder of these defendants in a
2 single lawsuit. *See id.* ¶¶ 18–24.

3 Although this is the second case filed by POW, its counsel has filed dozens of BitTorrent
4 cases against hundreds of doe defendants in this District. As the Court becomes more familiar
5 with these BitTorrent cases, concern about the potential for abuse in these matters has arisen. *See,*
6 *e.g.*, *Venice PI, LLC v. Doe 1, et al.*, Case No. C17-988TSZ, Dkt. #27 ¶¶ 2 n.1 and 3. POW’s
7 counsel’s actions in this district are of particular concern, and the Court questions the propriety of
8 POW’s efforts to join several doe defendants in a single matter. *See id.*; also *Cobbler Nevada,*
9 *LLC v. Kevin James*, Case No. C15-1430-TSZ, Dkt. #78. Given these concerns, and having
10 reviewed the record in this and related cases, the Court hereby ORDERS as follows:
11

12 1. Plaintiff shall, within fourteen days of this Order, show cause in writing why the
13 Court should not: (1) sever all defendants except the first defendant in this case;
14 and (2) dismiss the remaining defendants without prejudice.

15
16 IT IS SO ORDERED.

17
18 Dated this 27 day of November, 2017
19
20

21
22 
23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
25
26
27
28