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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 THIRD DEGREE FILMS, INC. 20525
4 Nordhoff Street, Suite 25,
5 Chatsworth, CA 91311, a/k/a
6 3rd Degree Films,

7 Plaintiff,

8 v.

11 CV 9620 (WHP)

9 JOHN DOE 19,

10 Defendant.

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11 New York, N.Y.
12 September 7, 2012
13 12:00 p.m.

14 Before:

15 HON. WILLIAM H. PAULEY III,

16 District Judge

17 APPEARANCES

18 MIKE MEIER
19 Attorney for Plaintiff
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1 (In the robing room)

2 THE COURT: Give your appearance for the court
3 reporter.

4 MR. MEIER: My name is Mike Meier, for the plaintiff,
5 Third Degree Films, Inc.

6 THE COURT: Good afternoon, Mr. Maier.
7 What's the status of this matter?

8 MR. MEIER: The status is that, according to the
9 Court's order to serve a defendant by August 31, I did dismiss
10 all defendants except Doe No. 19, and I only identified him by
11 his initials, E. H., and I did serve an amended complaint upon
12 Mr. E. H. Unfortunately, I have not received the return of
13 service yet from the process server. The process server did
14 confirm to me that he was able to serve E. H. by the 31st, but
15 I do not have proof yet.

16 THE COURT: I take it E. H., or Doe 19, resides in New
17 York.

18 MR. MEIER: Yes, sir, within the district of this
19 Court.

20 THE COURT: Why is Doe 19 left in this action?

21 MR. MEIER: Your Honor, you're asking me to disclose
22 the criteria by which I choose individual defendants to name.
23 The reason in this case was of all the defendants that have
24 been identified so far, he was the one with the most
25 infringements, additional infringements. And the reason why I

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1 chose him because of these additional infringements is it helps
2 me to prove my case because we will have a large number of
3 infringements over a lengthy period of time. I don't remember
4 the exact time period, but it is something like six or nine
5 months, and all infringements have been committed through the
6 same port, which shows it's the same computer and, therefore,
7 most likely the same person.

8 THE COURT: All right. Have you had any contact with
9 Doe 19?

10 MR. MEIER: No. None whatsoever.

11 And an additional reason why I chose Doe 19 was I
12 believe I also had him as a defendant in at least two other
13 cases.

14 THE COURT: What's his status in those other cases?

15 MR. MEIER: In those other cases, he has been
16 dismissed without prejudice. So I focused on this case, so he
17 only remains in this case.

18 THE COURT: All right. Doe 82's motion, Doe 82 has
19 been dismissed, right, from this case? That was the Doe who
20 made a motion to quash?

21 MR. MEIER: Your Honor, unfortunately, I do not have
22 the file with me. My apologies. I've been traveling for the
23 past ten days. I do respond to all motions to quash that are
24 filed, and I never dismiss a defendant just because they filed
25 a motion. It's only after I've reviewed the case, so I do not

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1 act as some attorneys do who just dismiss those. I don't do
2 that.

3 THE COURT: If I understand the stipulation of the
4 notice of voluntary dismissal that you filed --

5 MR. MEIER: Yes.

6 THE COURT: -- Doe 82 is no longer in this case.
7 Accordingly, Doe 82's motion to quash and proceed anonymously
8 is moot. And with respect to the amended complaint, it simply
9 names Doe No. 19 with the initials E. H.

10 MR. MEIER: E. H., yes, sir.

11 In terms of the substance, it is all the same,
12 regarding the same copyright infringement, etc.

13 THE COURT: All right. At the end of the day, I'm not
14 making any decision right now about the appropriateness of Doe
15 No. 19 proceeding anonymously because I have no application
16 from him or her before me. What I'm going to do is set this
17 matter down for another conference.

18 I'll set it down for another conference on October 26
19 at 3:00, for what I suspect will be an initial conference with
20 Doe No. 19.

21 MR. MEIER: Yes, sir.

22 THE COURT: I'll issue an order to that effect
23 scheduling a conference and requiring Doe 19 to confer with you
24 about a discovery plan and to discuss settlement, and I will
25 consider any application by Doe 19 to proceed anonymously on

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1 October 26.

2 MR. MEIER: Yes, your Honor. And I generally do not
3 object to Does proceeding anonymously.

4 THE COURT: That's fine, but I may object.

5 MR. MEIER: Understood, your Honor.

6 THE COURT: Do you think that I'm going to enter
7 orders against someone who is not known to the Court? There's
8 an interesting transparency in the federal courts, so I don't
9 know how you can proceed anonymously. I think Doe 19 better
10 acclimate himself or herself to the notion that she or he is
11 going to have to put in an appearance here.

12 MR. MEIER: Yes, your Honor.

13 THE COURT: I'm going to enter an order today. I'm
14 going to direct you to serve a copy of the order on Doe 19 so
15 that the defendant is aware of the next conference.

16 MR. MEIER: Yes, your Honor.

17 THE COURT: All right?

18 MR. MEIER: Yes, sir.

19 THE COURT: Anything further?

20 MR. MEIER: No, your Honor.

21 THE COURT: Thank you.

22 MR. MEIER: Thank you.

23 THE COURT: I'm going to also direct you to obtain a
24 copy of this transcript so that Doe 19 is informed as to what
25 is going on. And it will be available on the docket.

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1 MR. MEIER: Yes, sir. I will provide it to chambers
2 the same as last time.

3 THE COURT: Yes. Perfect.

4 MR. MEIER: Thank you, your Honor.

5 THE COURT: You're welcome. Have a good weekend.

6 MR. MEIER: Thank you, your Honor.

7 (Proceedings adjourned)

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