

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BAIT PRODUCTIONS PTY LTD.,

Plaintiff,

v.

Case No. 8:12-cv-2643-T-24 TBM

DOES 1-82,

Defendants.

ORDER

This cause comes before the Court on the Report and Recommendation of Magistrate Judge David A. Baker (Doc. No. 6) and Plaintiff's objections thereto (Doc. No. 8). The magistrate judge held a status conference on December 10, 2012 in this and numerous other copyright infringement actions brought by Plaintiff involving the BitTorrent file sharing protocol. The magistrate judge concluded that the fictitious defendants in these actions were improperly or imprudently joined, and therefore, he recommended that all of the defendants be dismissed except for the first-named defendant in each case.¹ Judge Dalton recently adopted the same Report and Recommendation in case number 6:12-cv-1780-Orl-37DAB at Doc. No. 20. This Court agrees with both the magistrate judge's Report and Recommendation and Judge Dalton's Order, and this Court adopts both here, except as otherwise specified.²

¹The magistrate judge also recommended that all of the cases brought by Plaintiff be consolidated before a single pair of district and magistrate judges. After a brief period of consolidation, the district judge presiding over the consolidated cases ordered that they be returned to the judges to whom the cases were originally assigned.

²This Court does not adopt the portion of the magistrate judge's Report and Recommendation that recommends that all of the cases brought by Plaintiff be consolidated before a single pair of district and magistrate judges.

The joinder of 82 fictitious defendants in this case makes the judicial economy that normally results from joinder impossible. The Court is mindful that requiring Plaintiff to file a separate lawsuit against each fictitious defendant may be burdensome and costly. However, the joinder of 82 defendants in this case significantly impacts the Court's ability to effectively manage this litigation and outweighs any convenience and cost-savings to Plaintiff.

Accordingly, it is ORDERED AND ADJUDGED that:

- (1) Plaintiff's Objections to the Report and Recommendation (Doc. No. 8) are **OVERRULED**.
- (2) The Magistrate Judge's Report and Recommendation (Doc. No. 6) is adopted and incorporated by reference into this Order of the Court (except to the extent that the magistrate judge recommended that all of the cases brought by Plaintiff be consolidated before a single pair of district and magistrate judges).
- (3) Only the first-named Defendant (as identified in Exhibit A to the Complaint) shall remain a party to this action. The claims against the remaining defendants are hereby severed and dismissed without prejudice. The clerk is directed to terminate all but the first defendant as parties to this action

DONE AND ORDERED at Tampa, Florida, this 13th day of February, 2013.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
Counsel of Record