

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

BAIT PRODUCTIONS PTY LTD.,

Plaintiff,

v.

Case No: 2:12-cv-628-Ftm-31DAB

JOHN DOES 1-26,

Defendant.

ORDER

This cause comes before the Court on the Report and Recommendation of Magistrate Judge David A. Baker (Doc. 6) and Plaintiff's objection to the same (Doc. 8).


Currently there are twenty-five cases pending in this district arising out of the alleged illegal download of Plaintiff's film by more than 1,500 unnamed defendants. On December 10, 2012, the magistrate judge held a status conference on these cases in an attempt to resolve all issues of joinder and case management. Plaintiff argued, and maintains in its objection, that dividing defendants into twenty-five groups effectively serves both judicial economy and fairness concerns. After hearing these arguments, Judge Baker concluded that the defendants were improperly joined, and recommended that all but the first defendant be dismissed from the case. Judge Dalton recently adopted the same Report and Recommendation in case number 6:12-cv-1780-Orl-37DAB at Doc. 20. This Court agrees with Judge Dalton's reasoning in that Order and adopts it here.¹

¹ Our current judicial system is ill-equipped to handle this type of case. Concerns about fairness and due process prevent the joinder of thousands of defendants with little in common, but courts would be quickly overwhelmed if each of these infringers was sued individually—not to

It is therefore **ORDERED** as follows,

- (1) Plaintiff's Objections (Doc. 8) are **OVERRULED**;
- (2) The Report and Recommendation (Doc. 6) is **ADOPTED**;
- (3) Only the first named Defendant (identified in Exhibit A to the Complaint) shall remain a party to this action. The claims against the remaining defendants are **SEVERED and DISMISSED without prejudice**; the clerk is directed to terminate all but the first defendant as parties to this action;
- (4) If Plaintiff chooses to file additional actions against the severed defendants, it shall promptly comply with the requirements of Local Rule 1.04(d) and inform the district judges presiding over those actions of this Order and all other related cases.

DONE and ORDERED in Orlando, Florida on February 19, 2013.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

mention the resources wasted. Since there is no single entity responsible for facilitating BitTorrent file sharing, plaintiffs such as Bait Productions are left with little choice but to sue every individual infringer. Courts throughout the country have attempted to resolve these issues in lengthy opinions reaching conflicting results. This Order appears to follow the emerging majority rule by requiring plaintiffs to file against each infringer individually. While this result may be unsatisfying to plaintiffs seeking to enforce their legal rights—and to a court facing the prospect of thousands of cases—the Court is aware of no reasonable alternative. In short, it appears that technology has outpaced the ability of the courts to deal with it.