

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 12-CV30086-MAP

COMBAT ZONE, INC.)
 Plaintiff)
)
 V.)
)
DOES 1-22)
 Defendants)

DEFENDANT, DOE 3’S, MOTION TO DISMISS FOR IMPROPER JOINDER

The plaintiff, Combat Zone, Inc., a California based company, has filed suit in the instant case against twenty-two unnamed John Does based solely on the identification of IP addresses through which it is alleged that the plaintiff’s explicit adult movie, “Seduced By Mommy No. 3,” was illegally downloaded. Similarly, in Civil Action No. 3:12-CV-30085, *Combat Zone, Inc., v. Does 1-84*, the same plaintiff made virtually identical allegations against 84 separate John Doe defendants. For the reasons set forth by Judge Colleen McMahon of the United States Southern District of New York, in the matter of *Digital Sins, Inc. v. John Does 1-245*, 11-CV-8170-CM, attached hereto as Exhibit A, and the Report and Recommendation of the Honorable Gary R. Brown, U.S. Magistrate Judge of the Eastern District of New York *In re: Bittorent Adult Film Copyright Infringement Cases*, 11-CV-3995, 2012 U.S. Dist. Lexis 61447 (E.D.N.Y. May 1, 2012), Defendant Doe 3 maintains that the 22 cases filed in the instant action do not meet the requirements for permissive joinder under Fed. R. Civ. P. 20(a)(2).

There is absolutely no check or balance placed on the massive number of cases brought against numerous innocent individuals in the “nationwide blizzard of civil actions brought by purveyors of pornographic films alleging copyright infringement”. See *In re: Bittorent Adult Film*

Copyright Infringement Cases, filed in its entirety as Exhibit B to Defendant's Motion to Quash, at page 2. Defendant urges this Court to review and employ the thoughtful and detailed analysis of the United States District Court Judge Colleen McMahon and United States Magistrate Judge Gary R. Brown in the cases referenced above and filed herewith as exhibits to these motions.

Respectfully submitted,
DOE 3,
By Her Attorney

/s/ Geoffrey E. Spofford

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Dated: July 12, 2012

CERTIFICATE OF SERVICE

I certify that on July 12, 2012 this document was filed electronically through the ECF system and thereby delivered to all counsel of record.

/s/ Geoffrey E. Spofford

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