

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:11-cv-21567-KMM

LIBERTY MEDIA HOLDINGS, LLC

Plaintiff,

v.

DOES 1-38, et al.,

Defendants.

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**PLAINTIFF'S MOTION FOR  
AMENDMENT OF SEVERANCE ORDER**

Plaintiff, Liberty Media Holdings ("Liberty"), respectfully moves for an amendment to the Court's Order of November 1, 2011 (Doc. No. 40), severing all defendants but Defendant John Doe 1. Liberty respectfully requests that the Order be amended to severe all defendants except Defendant John Doe 25. In support of its motion, Liberty states as follows:

1. On May 3, 2011, Liberty filed its Complaint alleging copyright infringement by a number of unidentified defendants over the Internet. (Doc. No. 1.) Contemporaneously with the filing of its Complaint, Liberty asked this Court for permission to conduct discovery to determine the identities of those parties who were engaged in the rampant and unhindered theft of its intellectual property. (Doc. No. 4.)

2. On September 9, 2011, an identified party filed a motion to quash Plaintiff's subpoena seeking account information for the internet protocol ("IP") address used by John Doe 25. (Doc. No. 17.) Based on the information that is available to it, Liberty has formed a good-faith belief that John Doe 25 resides in Hollywood, Florida, which is within this judicial district.

3. After diligently pursuing the task of tracking down and contacting the remaining parties to whom each IP addresses identified by Plaintiff as being used to pirate its copyrighted work, a number of defendants were voluntarily dismissed as either not identifiable after good-faith investigation or willing to engage in settlement of Liberty's claims.

4. As of November 1, 2011, eighteen parties remain of the original thirty-eight. Liberty has diligently continued the task of narrowing down the eighteen parties to only those culpable parties who are unwilling to settle their liability, as the proper parties to name and serve.

5. On November 1, 2011, this Court entered a *sua sponte* Order severing all but one defendant, John Doe 1, from the instant action. (Doc. No. 40.) In particular, the Court ruled that joinder of the remaining eighteen defendants in one action would present significant logistical burdens associated with varying defenses, service of orders and party filings, and the numerosity of parties and their attorneys appearing at depositions and hearings.

6. However, if the instant action is to proceed against only one defendant, this will necessarily raise issues of venue that were not present in Liberty's initial complaint as filed, especially where the remaining defendant does not reside in this judicial district. Although Liberty has not yet successfully established the identity of John Doe 1, the weight of information known thus far indicates that John Doe 1 likely resides in Daytona Beach, Florida, which is in the Middle District of Florida.

7. Accordingly, the Court's severance order will likely result in a full dismissal of Liberty's claims, even as to John Doe 1, if left unaltered.

8. John Doe 25 has attempted to make an anonymous appearance in the action, demonstrating his willingness to litigate the merits of Liberty's claims. Further, if Liberty were to proceed against a single defendant, John Doe 25 would be an appropriate party, as he resides

in this judicial district, and joinder would not be necessary to establish this judicial district as the proper venue.

9. Therefore, as between John Doe 1 and John Doe 25, Liberty's claims against John Doe 25 are more properly heard by this honorable Court.

WHEREFORE, Plaintiff Liberty Media Holdings, LLC, respectfully moves this Court for an amendment of its Order severing all defendants except John Doe 1. Liberty hereby requests that the Order be revised to sever all defendants except John Doe 25.

Dated: November 1, 2011

Respectfully submitted,

RANDAZZA LEGAL GROUP  
2 South Biscayne Blvd, Suite 2600  
Miami, Florida 33131-1815  
Telephone: (305) 479-2491  
Facsimile: (305) 397-2772

*s/ Jason A. Fischer*

Marc J. Randazza (625566)  
mjr@randazza.com  
Jason A. Fischer (68762)  
jaf@randazza.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that no service is required of the foregoing, as no party other party has yet made an appearance in this Action.

*s/ Jason A. Fischer*