

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEW SENSATIONS, INC.,  
Plaintiff,  
v.  
DOES 2-1768,  
Defendants.

No. C 11-2835 CW  
ORDER SEVERING AND  
DISMISSING WITHOUT  
PREJUDICE CLAIMS  
AGAINST DOES 3  
THROUGH 1768

On December 22, 2010, Plaintiff New Sensations, Inc., filed a complaint, bringing claims for copyright infringement against 1,768 Doe Defendants. See New Sensations, Inc. v. Does 1-1768, Case No. C 10-5864 PSG (N.D. Cal.). On May 31, 2011, the magistrate judge to whom Plaintiff's original complaint was assigned severed Plaintiff's claims against Does 2 through 1768, concluding that these claims do not arise out of the same transaction, occurrence, or series of transactions or occurrences from which Plaintiff's claim against Doe 1 arises. The magistrate judge recommended that, after reassignment to an Article III judge, the claims against Does 2 through 1768 be dismissed.

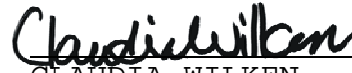
The Court adopts the magistrate judge's recommendation in part. Plaintiff's complaint offers no indication that Plaintiff's claim against Doe 2 is sufficiently related to its claims against the remaining Doe Defendants. Plaintiff alleges only that each Doe Defendant has "reproduced and distributed to the public at least a substantial portion of Plaintiff's copyright work." Compl. ¶ 10. This allegation does not suggest that each Doe Defendant engaged in

1 the same infringement or series of infringements. Although  
2 Plaintiff pleads that all Doe Defendants have agreed to violate its  
3 copyrights, it offers no factual basis for this allegation.  
4 Consequently, Plaintiff's claims against Does 3 through 1,768 are  
5 not properly joined to this action.

6 Accordingly, the Court SEVERs and DISMISSES without prejudice  
7 Plaintiff's claims against Does 3 through 1,768 based on  
8 misjoinder. If Plaintiff files new complaints against these  
9 Defendants within twenty-one days, those actions will be deemed a  
10 continuation of the original action for purposes of the statute of  
11 limitations. Plaintiff's action against Doe 2 may go forward.

12 IT IS SO ORDERED.

13  
14 Dated: 8/11/2011



CLAUDIA WILKEN  
United States District Judge