

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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NEW SENSATIONS, INC.,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	12-10944-FDS
)	
DOES 1 - 83,)	
)	
Defendants.)	
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ORDER ON COUNTERCLAIM OF DOE #64

SAYLOR, J.

In its memorandum and order of November 2, 2012, this Court severed and dismissed plaintiff’s claims against all of the “Doe” defendants except those against “Doe #1.” The copyright infringement claims against Doe #64 were severed and dismissed without prejudice pursuant to that order. Prior to that order, Doe #64 had filed a counterclaim against plaintiff New Sensations, Inc. The Court had supplemental jurisdiction over that counterclaim under 28 U.S.C. §1367(a). Under §1367(c)(3), the Court “may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . [the Court] has dismissed all claims over which it has original jurisdiction.” As noted, the Court has dismissed all of plaintiff’s claims against Doe #64, which were the original claims providing the jurisdictional basis for Doe #64’s counterclaims. Pursuant to §1367(c)(3), the Court will exercise its discretion and decline to exercise jurisdiction over Doe #64’s counterclaim.

Accordingly, Doe #64's counterclaim and all related motions pending before this Court are hereby **DISMISSED** without prejudice to the filing of an individual cause of action.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: December 12, 2012