

HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

JOHN DOES 1 THROUGH 10,

Defendants.

CASE NO. C14-1819RAJ

ORDER

This matter comes before the court on the motion of a person who identifies himself solely as John Doe No. 4 to quash a subpoena that Plaintiff issued to Comcast. For the reasons stated herein, the court DENIES the motion. Dkt. # 9.

Mr. Doe has become involved in this action as a result of a subpoena Plaintiff issued to Comcast seeking information about the Comcast subscribers associated with IP addresses from which someone allegedly infringed Plaintiff's copyright in the motion picture *Dallas Buyers Club* by unlawfully copying or distributing the film using peer-to-peer file sharing networks. Plaintiff's evidence (or at least that portion of Plaintiff's evidence that Plaintiff has filed in this court) reveals only the IP addresses at which infringing activity occurred. The subpoena asks Comcast to disclose identifying information (a name, address, email address, and MAC address) for the Comcast subscriber associated with the IP addresses.

Mr. Doe offers no valid basis to quash the subpoena. The subpoena itself is merely a request for information that will unquestionably be of value to Plaintiff as it

1 attempts to identify the persons who actually infringed its copyrights. It will identify the
2 subscriber associated with an IP address, which is a first step toward inquiring as to who
3 actually used the IP address for the infringing activity in question. The infringer is not
4 necessarily the subscriber, as Plaintiff surely knows, but identifying the subscriber will
5 allow Plaintiff to make the inquiries necessary to identify the infringer.

6 Mr. Doe does not dispute that Plaintiff's approach is a path that may reveal who
7 infringed its copyrights, he instead raises a variety of other objections. He asserts that
8 Plaintiff has improperly joined ten "John Doe" defendants in this case. He also asserts
9 (without providing evidence) that he has learned from "prior defendants" that Plaintiff
10 follows up the identification of a Comcast subscriber with "forceful correspondence,
11 persistent phone calls and other methods asking for money to avoid their lawsuit." He
12 asserts that he has never heard of the *Dallas Buyers Club* movie and he has never
13 unlawfully downloaded it. He also asserts that he lives in Clark County, which is within
14 the case assignment area for the Tacoma Division of this District Court.

15 To begin, the court notes that Mr. Doe is not a party to this lawsuit. Thus, even if
16 Plaintiff has improperly joined Defendants in this case, he is not a Defendant, and he has
17 no right to object to improper joinder. It is possible that Plaintiff will seek leave to
18 amend its complaint to assert that Mr. Doe is one of the "John Doe" Defendants named in
19 this case, but it so far has not done so. Moreover, even if Mr. Doe was a Defendant in
20 this lawsuit, improper joinder is not a basis to quash an otherwise valid subpoena.

21 Mr. Doe's claim that he is not the person who infringed Plaintiff's copyrights is
22 also no basis to quash the subpoena. Again, the subpoena is merely a first step in
23 learning information that will allow Plaintiff to determine who infringed its copyrights.
24 The court will not prevent Plaintiff from learning that information, and it will not decide
25 whether Mr. Doe is liable for anything when Plaintiff has not sued him.

1 The court suggests no approval of any strong-arm tactics Plaintiff is using to
2 extract money from persons who its subpoenas identify. Mr. Doe has not, however,
3 given the court a basis to conclude Plaintiff is actually using those tactics.

4 Finally, because Mr. Doe is not a party to this lawsuit, his residence in Clark
5 County is no basis to move this case to the Tacoma Division. If Plaintiff names Mr. Doe
6 as a Defendant, he is welcome to request that the court sever Plaintiff's claims against
7 him and transfer the severed claims to the Tacoma Division.

8 DATED this 13th day of February, 2015.

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12 The Honorable Richard A. Jones
13 United States District Court Judge
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