

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELF-MAN LLC,	)	
	)	
Plaintiff,	)	Nos. 6:13-cv-331-TC,
	)	1:13-cv-333-TC,
	)	3:13-cv-334-TC
	)	
v.	)	ORDER and
	)	FINDINGS AND RECOMMENDATION
	)	
DOES 1-57, DOES 1-16, DOES 1-107,	)	
	)	
Defendants.	)	
	)	
	)	

COFFIN, Magistrate Judge:

Plaintiff Elf-Man, LLC Productions filed these actions on February 26, 2013, asserting copyright infringement against 180 users of various BitTorrent clients, identified only by their internet protocol (IP) addresses. Plaintiff alleges defendants

collectively interconnected to illegally copy and distribute plaintiff's film *Elf-Man*.

Plaintiff Elf-Man has already obtained permission from the court to take discovery, prior to a Rule 26 conference, allowing it to subpoena records from various internet service providers (ISPs) around the State to discover the identities of the BitTorrent users who joined in the distribution of the pieces of the movie *Elf-Man*. Various Doe defendants seek to quash. In addition, plaintiff seeks clarification regarding discovery as to Does named in amended complaints. The court heard oral argument regarding the motions to quash and a motion to sever and dismiss on April 30, 2013.

The district court has already determined, in a similar action involving Doe defendants utilizing BitTorrent, that joinder is inappropriate and that individual cases should be pursued. I agree and for the reasons stated in Voltage Pictures v. Does 1-198, 6:13-cv-290-AA, Order dated May 4, 2013 (#50), all Doe defendants should be severed beyond Doe #1 in each action and should be dismissed from these actions. Accordingly, all outstanding subpoenas are quashed and all other pending motions are denied as moot.

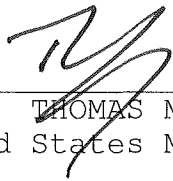
#### CONCLUSION

For the reasons stated above, all outstanding subpoenas are quashed and all pending motions are denied as moot. Doe defendants beyond Doe #1 in each action should be and dismissed from these

actions and plaintiff should submit amended complaints within 10 days.

The recommendation to sever and dismiss Doe defendants is not an order that is immediately appealable to the Ninth Circuit Court of appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties shall have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determination of the Magistrate Judge will be considered as a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to this recommendation.

DATED this 14<sup>th</sup> day of May, 2013.

  
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THOMAS M. COFFIN  
United States Magistrate Judge