

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF OHIO
2003 JUN -3 AM 11:29
ADMINISTRATIVE SECTION

GENERAL ORDER NO. 2003 - 23
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN RE:)
) ORDER NO. 2003 - 23
))
CASES FILED BY DIRECTV, INC.) See Attached Case List
)

DIRECTV, INC. has filed at least 44 civil cases (see attached list) in this district since April 16, 2002 alleging that the defendants have "purchased and used Pirate Access Devices that are designed to permit viewing of DIRECTV's television programming without authorization by or payment to DIRECTV." All but one of these cases name multiple defendants, with as many as 23 defendants being named in a single action and with at least 320 defendants named overall. The Court understands that DIRECTV may intend to file more cases in a similar fashion. There are no allegations that the defendants named in individual cases acted in concert or as a group. These are really hundreds of lawsuits rolled into a few, with no apparent justification for doing so, other than to avoid paying separate filing fees.

Because the 44 complaints actually encompass 320 separate lawsuits, the Court sua sponte will dismiss without prejudice all but the first named defendant in each case. Plaintiff will be permitted to refile against the other defendants separately, upon the payment of the appropriate filing fee.

This order is consistent with the Memorandum Opinion and Order issued by Judge David D. Dowd in DIRECTV, Inc. v. Hunt, et al, Case No. 5:03 CV 0051 dated April 30, 2003 (Doc. No. 14) through which Judge Dowd alerted plaintiff's counsel that filing in this manner was inappropriate. However, because one defendant had already filed an answer and another a motion to dismiss, and because counsel represented that plaintiff had reached a settlement with two others, Judge Dowd dismissed the fifth defendant and directed that the two settling defendants would be dismissed if paperwork was not presented by May 23, 2003. In fact, that is what happened: receiving no dismissal papers, Judge Dowd sua dismissed the two "settling" defendants on May 27, 2003.

Plaintiff has chosen to file additional group-type lawsuits which have been randomly assigned to various judges of this Court. Apparently counsel has either not read Judge Dowd's prior order or, disagreeing with it, simply took his chances that he would not draw Judge Dowd again.

Every one of the 44 cases alleges that it is based on information gleaned from the execution of various writs of seizure on May 25, 2001 at various mail shipping facilities. There is no obvious explanation for any particular grouping of defendants. Each complaint, except for the names of the defendants, the dates of their alleged offenses, and some minor differences in the identities of the mail shipping facilities, is virtually identical.

The filing fees for these 44 cases totaled \$6,600, whereas the filing fees for 320 cases would have been \$48,000. That is a considerable loss of revenue to the public coffers. In addition, each judge is getting credit for resolving one case when he or she is really handling multiple cases.

Because the 44 complaints actually encompass 320 separate lawsuits, the Court sua sponte dismisses without prejudice all but the first named defendant in each case already filed by DIRECTV, INC. (see attached list), and any similar cases subsequently filed. Plaintiff is free to refile against the other defendants separately, paying a filing fee for each case. If cases are refiled, plaintiff must note on the Civil Cover Sheet the case number in which the defendant was originally named in the area used to identify related cases (even though these matters are not truly related) to assist the Court with the assignment of cases. In addition, plaintiff is ordered to file any future cases separately.

Since plaintiff has not included the addresses of most of the defendants named in these complaints, plaintiff is further ordered to serve this General Order on all defendants in all these cases.

IT IS SO ORDERED

ON BEHALF OF THE COURT

Paul R. Matia

Paul R. Matia
Chief Judge
United States District Court

Cases Filed by DIRECTV as of May 30, 2003

1-02-02061-DCN DIRECTV, Inc. v. Basen et al
1-02-02147-PRM DIRECTV, Inc. v. Angus et al
1-02-02431-DCN DIRECTV, Inc. v. Brkic et al
1-02-02472-SO DIRECTV, Inc. v. Longhino et al
1-03-00325-LW DIRECTV, Inc. v. Donovan et al
1-03-00454-LW DIRECTV, Inc. v. Childs et al
1-03-00616-AA DIRECTV, Inc. v. Finley
1-03-00920-SO DIRECTV, Inc. v. Few et al
1-03-00924-KMO DIRECTV, Inc. v. Fabrick et al
1-03-00925-JMM DIRECTV, Inc. v. Armeni et al
1-03-00926-AA DIRECTV, Inc. v. Baon et al
1-03-00929-DAP DIRECTV, Inc. v. Bartholomew et al
1-03-00931-DAP DIRECTV, Inc. v. Bajarias et al
1-03-00989-LW DIRECTV, Inc. v. Egan et al
1-03-00990-DAP DIRECTV, Inc. v. Mainzer et al
3-02-07199-JGC DIRECTV, Inc. v. Chambers et al
3-02-07502-JGC DIRECTV, Inc. v. Guardiola et al
3-02-07525-JGC DIRECTV, Inc. v. Bristol et al
3-02-07594-JGC DIRECTV, Inc. v. Brunk et al
3-02-07606-JGC DIRECTV, Inc. v. Altman et al
3-03-07009-JGC DIRECTV, Inc. v. Lorenzen et al
3-03-07076-JGC DIRECTV, Inc. v. Davis et al
3-03-07160-JGC DIRECTV, Inc. v. Christman et al
3-03-07233-JGC DIRECTV, Inc. v. Buchanan et al
3-03-07239-JGC DIRECTV, Inc. v. Deen et al
3-03-07240-JGC DIRECTV, Inc. v. Greene et al
3-03-07241-JGC DIRECTV, Inc. v. Evans et al
3-03-07242-JGC DIRECTV, Inc. v. Gilmore et al
3-03-07251-JGC DIRECTV, Inc. v. Haddad et al
3-03-07252-JGC DIRECTV, Inc. v. Showman et al
3-03-07253-JGC DIRECTV, Inc. v. Moore et al
3-03-07254-JGC DIRECTV, Inc. v. Beech et al
3-03-07255-JGC DIRECTV, Inc. v. Cool et al
4-03-00927-JRA DIRECTV, Inc. v. Bigley et al
4-03-00981-DDD DIRECTV, Inc. v. Koopman et al
4-03-00988-JG DIRECTV, Inc. v. Gorgacz et al
5-02-00706-PRM DIRECTV, Inc. v. Disalvatore et al
5-03-00051-DDD DIRECTV, Inc. v. Moore et al
5-03-00892-LW DIRECTV, Inc. v. Barmore et al
5-03-00930-JRA DIRECTV, Inc. v. Lovejoy et al
5-03-00932-JRA DIRECTV, Inc. v. Campbell et al
5-03-00980-JG DIRECTV, Inc. v. Yost et al
5-03-00984-DDD DIRECTV, Inc. v. Casey et al
5-03-00987-JG DIRECTV, Inc. v. Kalasz et al