

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-03534-PAE**

New Sensations, Inc. v. Does 1-32
Assigned to: Judge Paul A. Engelmayer
Cause: 17:101 Copyright Infringement

Date Filed: 05/03/2012
Date Terminated: 12/12/2012
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

New Sensations, Inc.
21345 Lassen Street, Chatsworth, CA
91311

represented by **Mike Meier**
The Copyright Law Group, PLLC
4000 Legato Road, Suite 1100
Fairfax, VA 22033
888-407-6770
Fax: 703-546-4990
Email: mike.meier.esq@copyrightdefenselawyer.com
ATTORNEY TO BE NOTICED

V.

Defendant

Does 1-32

represented by **Paul John Haggerty**
Haggerty Law Firm
55 North Clove Road
Verbank, NY 12585
(845)-677-4607
Fax: (845)-677-4608
Email: phaggerty@pjhlaw.com
ATTORNEY TO BE NOTICED

Defendant

Doe 2
TERMINATED: 11/26/2012

Defendant

Doe 6
TERMINATED: 11/26/2012

Defendant

Doe 9
TERMINATED: 11/26/2012

Defendant

Doe 22
TERMINATED: 11/26/2012

Defendant

Doe 26
TERMINATED: 11/26/2012

Defendant

Doe 30
TERMINATED: 11/26/2012

Date Filed	#	Docket Text
05/03/2012	<u>1</u>	COMPLAINT against Does 1–32. (Filing Fee \$ 350.00, Receipt Number 1037180)Document filed by New Sensations, Inc. (mro) (Additional attachment(s) added on 5/8/2012: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit) (rdz). (Entered: 05/07/2012)
05/03/2012		SUMMONS ISSUED as to Does 1–32. (mro) (Entered: 05/07/2012)
05/03/2012		Magistrate Judge Andrew J. Peck is so designated. (mro) (Entered: 05/07/2012)
05/03/2012		Case Designated ECF. (mro) (Entered: 05/07/2012)
05/03/2012		Mailed notice to Register of Copyrights to report the filing of this action. (mro) (Entered: 05/07/2012)
05/07/2012		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Mike Meier for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules &Instructions. E-MAIL the PDF for Document <u>1</u> Complaint to: caseopenings@nysd.uscourts.gov. (mro) (Entered: 05/07/2012)
05/08/2012	<u>2</u>	MOTION for Discovery. Document filed by New Sensations, Inc..(Meier, Mike) (Entered: 05/08/2012)
05/08/2012	<u>3</u>	MEMORANDUM OF LAW in Support re: <u>2</u> MOTION for Discovery.. Document filed by New Sensations, Inc.. (Meier, Mike) (Entered: 05/08/2012)
05/08/2012	<u>4</u>	DECLARATION of Jon Nicolini in Support re: <u>2</u> MOTION for Discovery.. Document filed by New Sensations, Inc.. (Attachments: # <u>1</u> Supplement)(Meier, Mike) (Entered: 05/08/2012)
07/30/2012	<u>5</u>	OPINION & ORDER: #102119 granting, pursuant to a protective order re: <u>2</u> MOTION for Discovery filed by New Sensations, Inc. New Sensations may immediately serve a Rule 45 subpoena on the ISPs listed in Exhibit A to the Complaint to obtain the names, addresses, email addresses, and MAC addresses of Does 1–32. the subpoena shall have a copy of this Order attached, and as further set forth in this document. (Signed by Judge Paul A. Engelmayer on 7/30/2012) (cd) Modified on 7/31/2012 (jab). (Entered: 07/31/2012)
09/14/2012	<u>6</u>	MOTION TO QUASH SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS, OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION. Document filed by Doe 27.(rjm) (Entered: 09/20/2012)
09/21/2012	<u>8</u>	MEMORANDUM OF LAW in Opposition re: <u>6</u> MOTION to Quash MOTION TO QUASH SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS, OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION. (<i>John Doe 27</i>). Document filed by New Sensations, Inc.. (Meier, Mike) (Entered: 09/21/2012)
09/22/2012	<u>9</u>	MOTION for Extension of Time (<i>under Rule 4(m) to serve Defendants</i>). Document filed by New Sensations, Inc..(Meier, Mike) (Entered: 09/22/2012)
09/28/2012	<u>12</u>	MOTION to Quash subpoena issued under the 7/30/2012 discovery ex party order. Document filed by Does 1–32.(cd) (Entered: 10/04/2012)
09/28/2012	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION to Quash subpoena issued under the 7/30/2012 discovery order. Document filed by Does 1–32. (cd) (Entered: 10/04/2012)
10/01/2012	<u>10</u>	ORDER denying <u>6</u> Motion to Quash; granting <u>9</u> Motion for Extension of Time. On September 14, 2012, defendant Doe #27 filed a motion to quash the subpoena to his internet service provider, Road Runner, seeking documents demonstrating his identity and other personal information (Dkt. 6). Doe #27 argues that plaintiff's Complaint is based on insufficient and inaccurate documentation. He points out several inconsistencies between the labeling of the exhibits referenced in the Complaint and the way these exhibits were docketed. For instance, the Technology Declaration of Jon Nicolini is described as Exhibit B in the Complaint, but is docketed as Exhibit 3 to the Complaint. All the relevant documentation can be found at Exhibits 1–5 to the Complaint (Dkt. 1). The mix-up as to their labeling

		does not provide grounds to quash the subpoena. Accordingly, Doe #27's motion is DENIED. On September 22, 2012, plaintiff moved for a 90-day extension of time, under Federal Rule of Civil Procedure 4(m), in which to serve defendants, citing the fact that it has yet to receive any information from the internet service providers (Dkt. 9). In its July 30, 2012 Order, this Court gave plaintiff 30 days from the date of service of the Rule 45 subpoena in which to serve defendants with a copy of the subpoena and a copy of that Order. Dkt. 5. While the Court agrees that an extension is now merited, an additional 30 days is sufficient. Therefore, plaintiff now has 60 days from the date of service of the Rule 45 subpoena in which to serve defendants with a copy of the subpoena and a copy of the July 30, 2012 Order. The Clerk of Court is directed to terminate the motions at docket numbers 6 and 9. (Signed by Judge Paul A. Engelmayer on 10/1/2012) (lmb) (Entered: 10/01/2012)
10/05/2012	<u>14</u>	MEMORANDUM OF LAW in Opposition re: <u>12</u> MOTION to Quash subpoena issued under the 7/30/2012 discovery order. (<i>John Doe 22</i>). Document filed by New Sensations, Inc.. (Meier, Mike) (Entered: 10/05/2012)
10/05/2012	<u>15</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – FIRST MOTION to Quash Subpoena <i>as relates to John Doe #29</i> . Document filed by Does 1–32.(Haggerty, Paul) Modified on 10/9/2012 (ldi). (Entered: 10/05/2012)
10/05/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Paul John Haggerty to RE-FILE Document <u>15</u> FIRST MOTION to Quash Subpoena <i>as relates to John Doe #29</i>. ERROR(S): No signature or s/. (ldi) (Entered: 10/09/2012)
10/07/2012	<u>16</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Opposition re: <u>15</u> FIRST MOTION to Quash Subpoena <i>as relates to John Doe #29</i> .. Document filed by New Sensations, Inc.. (Meier, Mike) Modified on 10/9/2012 (ldi). (Entered: 10/07/2012)
10/07/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mike Meier to RE-FILE Document <u>16</u> Memorandum of Law in Opposition to Motion. ERROR(S): Document linked to filing error. (ldi) (Entered: 10/09/2012)
10/11/2012	<u>17</u>	ORDER granting <u>12</u> Motion to Quash. Accordingly, that request is granted. The Clerk of Court is directed to terminate the motion at docket number 12. SO ORDERED.(Signed by Judge Paul A. Engelmayer on 10/11/2012) (ama) (Entered: 10/11/2012)
10/12/2012	<u>18</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – REPLY to Response to Motion re: <u>15</u> FIRST MOTION to Quash Subpoena <i>as relates to John Doe #29</i> . Document filed by Does 1–32. (Haggerty, Paul) Modified on 10/12/2012 (db). (Entered: 10/12/2012)
10/12/2012		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Paul John Haggerty to RE-FILE Document <u>18</u> Reply to Response to Motion. ERROR(S): (1) Document linked to filing error. (2) No signature or s/. (db) (Entered: 10/12/2012)
11/24/2012	<u>19</u>	NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, WITH (as to the specified John Does) prejudice against the defendant(s) Does 1–32. Document filed by New Sensations, Inc.. (Meier, Mike) (Entered: 11/24/2012)
11/26/2012	<u>20</u>	FED. R. CIV. P. 41(a) DISMISSAL WITH PREJUDICE OF SPECIFIC DOE DEFENDANT(S), NAMELY DOE(S) 2, 6, 9, 22, 26, 30: Plaintiff having reached settlement(s) with the respective Doe Defendant(s) listed in the following table, Doe 2, Doe 6, Doe 9, Doe 22, Doe 26, Doe 30. Plaintiff dismisses with prejudice each of the specific Defendant(s) listed above from the above identified action pursuant to Fed. R. Civ. P. 41(a). (Signed by Judge Paul A. Engelmayer on 11/26/2012) (lmb) Modified on 11/26/2012 (lmb). (Entered: 11/26/2012)

12/11/2012	<u>21</u>	NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) Does 1-32. Document filed by New Sensations, Inc.. (Meier, Mike) (Entered: 12/11/2012)
12/12/2012	<u>22</u>	NOTICE OF VOLUNTARY DISMISSAL Pursuant to F.R.C.P. 41(a)(1)(A)(i) AND FINAL STATUS REPORT: Plaintiff dismisses without prejudice all remaining Doe defendants from the above identified action pursuant to Fed. R. Civ. P. 41(a), namely: 1,3,4,5, 7, 8, 10, 11, 12, 13, 14, 15, 16,17,18,19,20,21,23,24,25,27,28,29,31,32. For the purpose of clarity, Plaintiff states that with ECF Document 19, specified John Does were dismissed with prejudice. Thus, with this filing, all other defendants have now been dismissed without prejudice and no defendants remain in this case. ENDORSEMENT: The Clerk of Court is directed to close this case. (Signed by Judge Paul A. Engelmayer on 12/11/2012) (ago) (Entered: 12/12/2012)