

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:11-cv-03995-DRH-GRB**

K-Beech, Inc. v. John Does 1-37
Assigned to: Judge Denis R. Hurley
Referred to: Magistrate Judge Gary R. Brown
Demand: \$150,000
Cause: 17:101 Copyright Infringement

Date Filed: 08/18/2011
Date Terminated: 05/08/2012
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

K-Beech, Inc.

represented by **Frederic Robert Abramson**
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New York, NY 10038
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

John Does 1-37

Defendant

John Doe #32
TERMINATED: 11/18/2011

represented by **Geisa Balla**
Wong Wong & Associates PC
150 Broadway
Suite 1588
New York, NY 10038
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ATTORNEY TO BE NOTICED

Defendant

Doe 29 John

represented by **James Rosenzweig**
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ATTORNEY TO BE NOTICED

Defendant

Doe #2

represented by **Joseph P. Augustine**
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ATTORNEY TO BE NOTICED

Defendant

John Doe 35

represented by **James D. Murtha**

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Date Filed	#	Docket Text
08/18/2011	<u>1</u>	COMPLAINT against All Defendants Disclosure Statement on Civil Cover Sheet completed -No., filed by K-Beech, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet) (Major, Jasmine) (Entered: 08/19/2011)
08/18/2011		FILING FEE: \$ 350, receipt number 4653032891 (Major, Jasmine) (Entered: 08/19/2011)
08/18/2011	<u>2</u>	DISCLOSURE of Interested Parties by K-Beech, Inc.. (Major, Jasmine) (Entered: 08/19/2011)
08/18/2011	<u>3</u>	Notice of Report on the filing of an action regarding a Copyright Infringement. (Attachments: # <u>1</u> Complaint) (Major, Jasmine) (Entered: 08/19/2011)
08/18/2011	<u>4</u>	Notice of Related Case (Major, Jasmine) (Entered: 08/19/2011)
08/24/2011		Case Ineligible for Arbitration (Bollbach, Jean) (Entered: 08/24/2011)
08/25/2011	<u>5</u>	MOTION for Leave to File by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A Memorandum of Law in Support, # <u>2</u> Exhibit B Declaration of Tobias Fieser in Support, # <u>3</u> Exhibit C Proposed Order) (Abramson, Frederic) (Entered: 08/25/2011)
09/16/2011	<u>6</u>	ORDER granting <u>5</u> Motion for Leave to File. Plaintiff's motion for leave to serve third-party subpoenas prior to a Rule 26(f) conference is GRANTED. The Court orders the following: (1) Plaintiff may serve subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure on the ISPs listed in Exhibit B to the Fieser Declaration: EarthLink, Optimum Online, Road Runner, and Verizon Internet Services to obtain the name, address, telephone number, email address and Media Access Control address for each Defendant to whom the ISP assigned an IP address. Plaintiff's counsel is directed to attach a copy of this Order to the subpoena. (2) Within seven days of service of each subpoena, the ISPs shall reasonably attempt to identify each Defendant and provide him or her with a copy of the subpoena and this Order. If any of the ISPs are unable to determine, to a reasonable degree of technical certainty, the identity of the user of a particular IP address, it shall so notify Plaintiff's counsel. (3) The ISPs shall have twenty-one (21) days from the service of the subpoena to move to quash or otherwise object to the subpoena. Each Defendant shall have fourteen (14) days from receipt of the subpoena from the ISP to move to quash or otherwise object to the subpoena. (4) Absent any motion to quash or objection, the ISPs shall produce the information sought to the Plaintiff within twenty-one (21) days after notifying each Defendant pursuant to paragraph (2) above. (5) Plaintiff may only use the information disclosed pursuant to the subpoenas for the purpose of protecting and enforcing Plaintiff's rights as set forth in the Complaint. SEE ATTACHED ORDER. Ordered by Magistrate Judge A. Kathleen Tomlinson on 9/16/2011. (Sofio, Lisa) (Entered: 09/16/2011)
10/11/2011	<u>7</u>	MOTION for Protective Order , MOTION to Quash by John Does 1-37. (Montero, Edher) (Entered: 10/13/2011)
10/17/2011	<u>8</u>	First MOTION to Quash <i>Subpoena</i> by John Doe #32. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law In Support, # <u>2</u> Declaration Declaration of John Doe #32, # <u>3</u> Declaration Declaration of Geisa Balla and Exhibits, # <u>4</u> Proposed Order Proposed Order) (Balla, Geisa) (Entered: 10/17/2011)

10/19/2011	<u>14</u>	MOTION to Dismiss , MOTION to Quash , MOTION for Protective Order , MOTION to Compel <i>the Court to issue an order granteing leave to proceed anonymously.</i> (Fagan, Linda) (Entered: 10/28/2011)
10/19/2011	<u>19</u>	Letter from John Doe to Clerk's Office, dated 10/17/2011 re: To advise the Clerk of defts "IP" address; and to further advise the Clerk of the enclosed "Motion to Dismiss and, in the alternative, to Quash and Issue a Protective Order and Motion for Leave to proceed anonymously." (Fagan, Linda) (Entered: 10/28/2011) (Fagan, Linda) (Entered: 10/31/2011)
10/25/2011	<u>9</u>	MOTION for Leave to File <i>a Memorandum in Support of Joinder that Exceeds the Page Limit Under Local Rules</i> by K-Beech, Inc.. (Attachments: # <u>1</u> Proposed Order) (Abramson, Frederic) (Entered: 10/25/2011)
10/25/2011	<u>10</u>	MEMORANDUM in Opposition re <u>7</u> MOTION for Protective Order MOTION to Quash <i>and For a Protective Order</i> filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A) (Abramson, Frederic) (Entered: 10/25/2011)
10/26/2011	<u>11</u>	NOTICE by K-Beech, Inc. <i>of Filing Supplemental Authority in Opposition to John Doe 10's Motion to Quash and for a Protective Order</i> (Attachments: # <u>1</u> Supplemental Authority) (Abramson, Frederic) (Entered: 10/26/2011)
10/27/2011	<u>12</u>	NOTICE of Appearance by James Rosenzweig on behalf of Doe 29 John (aty to be noticed) (Rosenzweig, James) (Entered: 10/27/2011)
10/27/2011	<u>13</u>	Letter MOTION to Quash <i>Subpoena</i> by John Doe. Modified on 10/28/2011 (Fagan, Linda). (Entered: 10/27/2011)
10/28/2011	<u>15</u>	ORDER denying <u>9</u> Motion for Leave to File. SEE ATTACHED ORDER. Ordered by Magistrate Judge A. Kathleen Tomlinson on 10/28/2011. (Sofio, Lisa) (Entered: 10/28/2011)
10/28/2011	<u>16</u>	MOTION to Quash <i>Subpoena. Filed by John Doe #16.</i> by John Does 1-37. (Montero, Edher) (Entered: 10/28/2011)
10/28/2011	<u>17</u>	MOTION to Quash <i>Subpoena, filed by John Doe #30.</i> by John Does 1-37. (Montero, Edher) (Entered: 10/28/2011)
10/28/2011		ORDER re <u>16</u> MOTION to Quash <i>Subpoena. Filed by John Doe #16.</i> filed by John Does 1-37. The Court directs that the cover letter accompanying DE 16 be filed under seal until a decision is rendered on the Motion to Quash. Ordered by Magistrate Judge A. Kathleen Tomlinson on 10/28/2011. (Sofio, Lisa) (Entered: 10/28/2011)
10/28/2011		ORDER re <u>17</u> MOTION to Quash <i>Subpoena, filed by John Doe #30.</i> filed by John Does 1-37. The Court directs that the cover letter accompanying DE 17 be filed under seal until a decision is rendered on the Motion to Quash. Ordered by Magistrate Judge A. Kathleen Tomlinson on 10/28/2011. (Sofio, Lisa) (Entered: 10/28/2011)
10/28/2011	<u>18</u>	AMENDED COMPLAINT against John Does 1-37, filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Abramson, Frederic) (Entered: 10/28/2011)
11/01/2011	<u>20</u>	MEMORANDUM in Opposition re <u>7</u> MOTION for Protective Order MOTION to Quash filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A) (Abramson, Frederic) (Entered: 11/01/2011)
11/01/2011	<u>21</u>	MEMORANDUM in Opposition re <u>8</u> First MOTION to Quash <i>Subpoena</i> filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A) (Abramson, Frederic) (Entered: 11/01/2011)
11/02/2011	<u>22</u>	MEMORANDUM in Opposition re <u>16</u> MOTION to Quash <i>Subpoena. Filed by John Doe #16.</i> filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A) (Abramson, Frederic) (Entered: 11/02/2011)
11/03/2011	<u>23</u>	MEMORANDUM in Opposition re <u>7</u> MOTION for Protective Order MOTION to Quash filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A) (Abramson, Frederic) (Entered: 11/03/2011)

11/03/2011	<u>24</u>	MEMORANDUM in Opposition re <u>13</u> Letter MOTION to Quash <i>Subpoena</i> filed by K-Beech, Inc.. (Abramson, Frederic) (Entered: 11/03/2011)
11/04/2011	<u>25</u>	MEMORANDUM in Opposition re <u>17</u> MOTION to Quash <i>Subpoena</i> , filed by <i>John Doe #30</i> . filed by K-Beech, Inc.. (Abramson, Frederic) (Entered: 11/04/2011)
11/04/2011	<u>26</u>	MEMORANDUM in Opposition re <u>14</u> MOTION to Dismiss MOTION to Quash MOTION for Protective Order MOTION to Compel <i>the Court to issue an order granteing leave to proceed anonymously</i> filed by K-Beech, Inc.. (Abramson, Frederic) (Entered: 11/04/2011)
11/07/2011	<u>27</u>	NOTICE by K-Beech, Inc. re <u>25</u> Memorandum in Opposition, <u>26</u> Memorandum in Opposition, of <i>Filing Exhibit A</i> (Attachments: # <u>1</u> Exhibit A) (Abramson, Frederic) (Entered: 11/07/2011)
11/07/2011	<u>28</u>	NOTICE by K-Beech, Inc. re <u>26</u> Memorandum in Opposition, of <i>Filing Response to Motion to Quash</i> (Abramson, Frederic) (Entered: 11/07/2011)
11/10/2011	<u>29</u>	REPLY MEMORANDUM in Support re <u>16</u> MOTION to Quash <i>Subpoena</i> . Filed by <i>John Doe #16</i> . filed by John Does 1-37 (John Doe #16.) (Attachments: # <u>1</u> Certificate of Service) (Fagan, Linda) (Entered: 11/14/2011)
11/17/2011	<u>30</u>	NOTICE of Voluntary Dismissal by K-Beech, Inc. <i>With Prejudice of Doe #32 Only</i> (Abramson, Frederic) (Entered: 11/17/2011)
11/18/2011		Order Dismissing Parties: Doc # 30 is So Ordered and Party John Doe #32 is terminated with prejudice.. Ordered by Senior Judge Denis R. Hurley on 11/18/2011. (Best, Patricia) (Entered: 11/18/2011)
11/21/2011		Magistrate Judge Gary R. Brown added. Magistrate Judge A. Kathleen Tomlinson no longer assigned to case. (Siegfried, Evan) (Entered: 11/21/2011)
12/01/2011	<u>31</u>	NOTICE of Voluntary Dismissal by K-Beech, Inc. <i>with Prejudice of Doe 13 Only</i> (Abramson, Frederic) (Entered: 12/01/2011)
12/02/2011		Order Dismissing Parties endorsed on doc # 31. Defendant Doe 13 is dismissed with prejudice. Ordered by Senior Judge Denis R. Hurley on 12/2/2011. (Best, Patricia) (Entered: 12/02/2011)
12/02/2011		ELECTRONIC ORDER terminating <u>8</u> Motion to Quash in light of the dismissal from this action of defendant John Doe #32. Ordered by Magistrate Judge Gary R. Brown on 12/2/2011. (Disbrow, Sandra) (Entered: 12/02/2011)
12/16/2011	<u>32</u>	MOTION for Extension of Time to File <i>to Effectuate Service on Doe Defendants</i> by K-Beech, Inc.. (Attachments: # <u>1</u> Proposed Order) (Abramson, Frederic) (Entered: 12/16/2011)
12/19/2011		ORDER granting <u>32</u> : Plaintiff's request for an extension of time, through January 16, 2012, to effectuate service of the summons and Complaint on each of the doe Defendants is granted. Ordered by Senior Judge Denis R. Hurley on 12/19/2011. (Monaco, Laura) (Entered: 12/19/2011)
12/28/2011	<u>33</u>	First MOTION for Extension of Time to File Answer <i>Subpeona from plaintiff</i> by Doe #2. (Augustine, Joseph) (Entered: 12/28/2011)
12/29/2011		ELECTRONIC ORDER granting <u>33</u> Motion for Extension of Time to Respond to the Subpoena. Defendant Doe #2 must respond to the subpoena no later than 1/13/2012. Ordered by Magistrate Judge Gary R. Brown on 12/29/2011. (Demosthenous, Constantina) (Entered: 12/29/2011)
01/13/2012	<u>34</u>	Letter MOTION to Quash <i>Subpoena Served on Earthlink</i> by Doe #2. (Attachments: # <u>1</u> Doe #2 Declaration, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Service) (Augustine, Joseph) (Entered: 01/13/2012)
01/17/2012	<u>35</u>	MOTION for Extension of Time to File <i>to Effectuate Service on Doe Defendants</i> by K-Beech, Inc.. (Attachments: # <u>1</u> Proposed Order) (Abramson, Frederic) (Entered: 01/17/2012)
01/20/2012	<u>36</u>	RESPONSE in Opposition re <u>34</u> Letter MOTION to Quash <i>Subpoena Served on Earthlink</i> filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)

		(Abramson, Frederic) (Entered: 01/20/2012)
01/23/2012	<u>37</u>	NOTICE of Appearance by James D. Murtha on behalf of John Doe 35 (aty to be noticed) (Murtha, James) (Entered: 01/23/2012)
02/21/2012	<u>38</u>	NOTICE of Voluntary Dismissal by K-Beech, Inc. <i>of John Doe 5 With Prejudice</i> (Abramson, Frederic) (Entered: 02/21/2012)
02/22/2012		Order Dismissing Parties: Endorsed on Doc # 38 – John Doe #5 is dismissed with prejudice. Ordered by Senior Judge Denis R. Hurley on 2/22/2012. (Best, Patricia) (Entered: 02/22/2012)
05/01/2012	<u>39</u>	ORDER &REPORT AND RECOMMENDATIONS re <u>18</u> Amended Complaint filed by K-Beech, Inc. For the reasons set forth in the attached report, it is recommended that the complaint be dismissed without prejudice. See attached. Ordered by Magistrate Judge Gary R. Brown on 5/1/2012. (Disbrow, Sandra) (Entered: 05/01/2012)
05/01/2012		ORDER granting motions to quash <u>7</u> , <u>13</u> , <u>14</u> , <u>16</u> , <u>17</u> , <u>34</u> for the reasons set forth in the Order &Report and Recommendation <u>39</u> . Ordered by Magistrate Judge Gary R. Brown on 5/1/2012. (Disbrow, Sandra) (Entered: 05/01/2012)
05/08/2012	<u>40</u>	NOTICE of Voluntary Dismissal by K-Beech, Inc. <i>Without Prejudice of All Remaining John Doe Defendants</i> (Abramson, Frederic) (Entered: 05/08/2012)