

CLOSED, MAIL

**U.S. District Court
Middle District of Florida (Ft. Myers)
CIVIL DOCKET FOR CASE #: 2:11-cv-00358-UA-SPC**

Patrick Collins, Inc. v. John Does 1-57
Assigned to: Judge Unassigned Judge
Referred to: Judge Sheri Polster Chappell
Demand: \$8,550,000,000
Cause: 17:101 Copyright Infringement

Date Filed: 06/24/2011
Date Terminated: 06/28/2012
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Patrick Collins, Inc.
TERMINATED: 09/30/2011

represented by **Alexander Oscar Lian**
Alexander Lian, PA
PH 3800
2 S Biscayne Blvd
Miami, FL 33131
305-381-7910
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

K-Beech, Inc.

represented by **Alexander Oscar Lian**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

John Does 1-57

Defendant

John Doe #6
I.P. 68.56.177.59
TERMINATED: 06/19/2012

Defendant

John Doe 47
TERMINATED: 06/19/2012

Defendant

John Doe 34 n/k/a David Colby

Defendant

John Doe 38 n/k/a Marcos Figueroa

Date Filed	#	Docket Text
06/24/2011	<u>1</u>	COMPLAINT against John Does 1-57 with Jury Demand (Filing fee \$ 350 receipt number FTM001511) filed by Patrick Collins, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(SPB) (Entered: 06/28/2011)
06/24/2011	<u>2</u>	MOTION for miscellaneous relief, specifically for leave to serve third party subpoenas prior to a Rule 26(f) conference and incorporated memorandum of law by Patrick Collins, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(SPB) (Entered: 06/28/2011)

06/24/2011	<u>3</u>	NOTICE of filing of the Declaration of Tobias Fieser in Support <u>2</u> MOTION for miscellaneous relief, specifically for leave to serve third party subpoenas prior to a Rule 26(f) conference and incorporated memorandum of law of by Patrick Collins, Inc. (SPB) (Entered: 06/28/2011)
06/28/2011	4	STANDING ORDER: Filing of documents that exceed twenty-five pages. Signed by All Divisional Judges on 12/7/09. (SPB) (Entered: 06/28/2011)
06/29/2011	<u>5</u>	ORDER granting <u>2</u> Motion for leave to serve third party subpoenas. PLEASE SEE ORDER FOR COMPLETE DETAILS. Signed by Magistrate Judge Sheri Polster Chappell on 6/29/2011. (LAF) (Entered: 06/29/2011)
07/05/2011	<u>6</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 – track 2. Notice of pendency of other actions due by 7/19/2011. Signed by All Divisional Judges on 7/5/2011. (LMH) (Entered: 07/05/2011)
07/05/2011	<u>7</u>	INTERESTED PERSONS ORDER. Certificate of interested persons and corporate disclosure statement due by 7/19/2011. Signed by All Divisional Judges on 7/5/2011. (LMH) (Entered: 07/05/2011)
07/08/2011	<u>8</u>	NOTICE of pendency of related cases re <u>6</u> Related case order and notice of designation of track 2 per Local Rule 1.04(d) by Patrick Collins, Inc.. Related case(s): yes (Lian, Alexander) (Entered: 07/08/2011)
07/08/2011	<u>9</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>7</u> Interested persons order by Patrick Collins, Inc.. (Lian, Alexander) (Entered: 07/08/2011)
07/08/2011	<u>10</u>	NOTICE by Patrick Collins, Inc. of <i>Change of Firm Name</i> (Lian, Alexander) (Entered: 07/08/2011)
09/26/2011	<u>11</u>	MOTION to quash subpoena directed to the ISP Carrier, Verizon, MOTION for protective order limiting the disclosures by the ISP, MOTION to dismiss complaint for lack of jurisdiction by John Doe 52 ISP address: 96.228.186.170. (MAL) Motions referred to Magistrate Judge Sheri Polster Chappell. Modified text on 9/28/2011 (MAL). (Entered: 09/26/2011)
09/28/2011	<u>12</u>	AMENDED COMPLAINT against John Does 1–57 with Jury Demand 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)(Lian, Alexander) (Entered: 09/28/2011)
10/03/2011	<u>13</u>	MOTION to quash by John Doe #6. (SPB) (Entered: 10/06/2011)
10/13/2011	<u>14</u>	MOTION to extend time to Respond to Motion to Dismiss by K–Beech, Inc.. (Lian, Alexander) Motions referred to Magistrate Judge Sheri Polster Chappell. (Entered: 10/13/2011)
10/13/2011	15	ENDORSED ORDER granting <u>14</u> Plaintiff's Motion for Extension of Time to Respond to Motion to Dismiss. For good cause shown, the Plaintiff shall have up to and including October 24, 2011 to respond to Defendant John Doe #52's Motion to Dismiss. Signed by Magistrate Judge Sheri Polster Chappell on 10/13/2011. (BLW) (Entered: 10/13/2011)
10/17/2011	<u>16</u>	NOTICE of Settlement and <i>Voluntary Dismissal With Prejudice of Does 8, 48 and 51 Only</i> by K–Beech, Inc. (Lian, Alexander) (Entered: 10/17/2011)
10/17/2011	<u>17</u>	ORDER approving <u>16</u> Plaintiff's Notice of Settlement and Voluntary Dismissal With Prejudice of Does 8, 48 and 51 ONLY. This cause is dismissed, with prejudice, as to John Does 8, 48 and 51 whose IP Addresses are 68.56.243.133, 72.91.146.175 and 72.91.226.11 respectively, ONLY. The Clerk is directed to terminate any pending motions and deadlines, enter judgment accordingly, and CLOSE this case as to John Does 8, 48 and 51, ONLY. Signed by Judge Charlene E. Honeywell on 10/17/2011. (BGS) (Entered: 10/17/2011)
10/17/2011	<u>18</u>	ORDER denying <u>13</u> the Defendant, John Doe # 6's Motion to Quash. Signed by Magistrate Judge Sheri Polster Chappell on 10/17/2011. (LMH) (Entered: 10/17/2011)

10/17/2011	<u>19</u>	JUDGMENT (Signed by Deputy Clerk) (RMT) (Entered: 10/18/2011)
10/20/2011	<u>20</u>	MOTION to extend time to Serve Summons and Complaint on Doe Defendants by K-Beech, Inc.. (Lian, Alexander) Motions referred to Magistrate Judge Sheri Polster Chappell. (Entered: 10/20/2011)
10/20/2011	21	ENDORSED ORDER granting <u>20</u> Plaintiff's Motion to Extend Time Period for Service of Summons and Complaint on Doe Defendants. For good cause shown, Plaintiff shall have up to and including December 8, 2011 to serve the Doe Defendants with a summons and complaint in this matter. Signed by Magistrate Judge Sheri Polster Chappell on 10/20/2011. (BLW) (Entered: 10/20/2011)
10/24/2011	<u>22</u>	MEMORANDUM in opposition re <u>11</u> Motion to quash Motion for protective order Motion to dismiss filed by K-Beech, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Lian, Alexander) (Entered: 10/24/2011)
11/01/2011	<u>23</u>	REPORT AND RECOMMENDATION re <u>11</u> MOTION to quash subpoena directed to the ISP Carrier, Verizon MOTION for protective order MOTION to dismiss complaint for lack of jurisdiction filed by John Does 1-57. It is respectfully recommended Plaintiff's Motion to Quash, Motion for Protective Order, and Motion to Dismiss Complaint by John Doe #52 with ISP #96.228.186.170 (Doc. #11) be DENIED. Signed by Magistrate Judge Sheri Polster Chappell on 11/1/2011. (LMH) (Entered: 11/01/2011)
11/17/2011	<u>24</u>	ORDER adopting <u>23</u> Report and Recommendation of the Magistrate Judge. The Report and Recommendation is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review. Defendant John Doe #52's Motion to Quash, Motion for Protection, and Motion to Dismiss Complaint <u>11</u> is DENIED. Signed by Judge Charlene E. Honeywell on 11/17/2011. (BGS) (Entered: 11/17/2011)
11/18/2011	<u>25</u>	NOTICE of Settlement and Voluntary Dismissal With Prejudice of Doe 46 Only by K-Beech, Inc. (Lian, Alexander) (Entered: 11/18/2011)
11/21/2011	<u>26</u>	ORDER approving <u>25</u> Plaintiff's Notice of Settlement and Voluntary Dismissal With Prejudice of Doe 46 Only. This cause is dismissed, with prejudice, as to John Doe 46, IP address 72.77.209.113, ONLY. The Clerk is directed to enter judgment accordingly as to John Doe 46 ONLY. Signed by Judge Charlene E. Honeywell on 11/21/2011. (BGS) (Entered: 11/21/2011)
11/22/2011	<u>27</u>	JUDGMENT, dismissing John Doe 46, IP address 72.77.209.113 ONLY. (Signed by Deputy Clerk) (SPB) (Entered: 11/22/2011)
12/06/2011	<u>28</u>	Summons issued as to John Does #14 n/k/a Chris Pentz, #31 n/k/a James J. Howard, #34 n/k/a David Colby, #42 n/k/a James Hambric, #38 n/k/a Marcos Figueroa. (ARC) (Entered: 12/06/2011)
12/06/2011	<u>29</u>	Second MOTION to extend time to Serve Summons and Complaint on Doe Defendants by Seven Days by K-Beech, Inc.. (Lian, Alexander) Motions referred to Magistrate Judge Sheri Polster Chappell. (Entered: 12/06/2011)
12/06/2011	30	ENDORSED ORDER granting <u>29</u> Plaintiff's Motion to Extend Time Period for Service of Summons and Complaint on Doe Defendants. For good cause shown, Plaintiff shall have up to and including December 15, 2011 to serve the Doe Defendants with a summons and complaint in this matter. Signed by Magistrate Judge Sheri Polster Chappell on 12/6/2011. (BLW) (Entered: 12/06/2011)
12/08/2011	<u>31</u>	NOTICE of Voluntary Dismissal With Prejudice of Doe 47 Only by K-Beech, Inc. (Lian, Alexander) (Entered: 12/08/2011)
12/09/2011	<u>32</u>	ORDER dismissing case. Plaintiff's Notice of Voluntary Dismissal With Prejudice of Doe 47 Only is APPROVED <u>31</u> . This cause is dismissed, with prejudice, as to John Doe 47, only, whose IP Address is 72.91.101.14. The Clerk is directed to enter judgment accordingly as to John Doe 47 only. Signed by Judge Charlene E. Honeywell on 12/9/2011. (BGS) (Entered: 12/09/2011)
12/14/2011	<u>33</u>	JUDGMENT dismissing with prejudice, as to John Doe 47 only. (Signed by Deputy Clerk) (SPB) (Entered: 12/14/2011)

12/15/2011	<u>34</u>	NOTICE of compliance re <u>6</u> Related case order and notice of designation of track 2 by K-Beech, Inc. (Lian, Alexander) (Entered: 12/15/2011)
12/15/2011	<u>35</u>	NOTICE of Voluntary Dismissal <i>Without Prejudice of Does 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 49, 50, 52, 53, 54, 55, 56, and 57</i> by K-Beech, Inc. (Lian, Alexander) (Entered: 12/15/2011)
12/15/2011	<u>36</u>	ORDER approving <u>35</u> Plaintiff's Notice of Voluntary Dismissal Without Prejudice. This cause is dismissed, without prejudice, as to Does 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 49, 50, 52, 53, 54, 55, 56, and 57, ONLY, who were assigned the IP Addresses listed on Exhibit A. The Clerk is directed to enter judgment accordingly at to Does 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 49, 50, 52, 53, 54, 55, 56, and 57 ONLY. Signed by Judge Charlene E. Honeywell on 12/15/2011. (Attachments: # <u>1</u> Exhibit A)(BGS) (Entered: 12/15/2011)
12/19/2011	<u>37</u>	NOTICE by K-Beech, Inc. of <i>Filing Proof of Service</i> (Lian, Alexander) (Entered: 12/19/2011)
12/19/2011	<u>38</u>	NOTICE by K-Beech, Inc. of <i>Filing Proof of Service</i> (Lian, Alexander) (Entered: 12/19/2011)
12/20/2011	<u>39</u>	NOTICE of Voluntary Dismissal <i>With Prejudice of Doe 31 Only</i> by K-Beech, Inc. (Lian, Alexander) (Entered: 12/20/2011)
12/20/2011	<u>40</u>	JUDGMENT dismissing, without prejudice, as to Does 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 49, 50, 52, 53, 54, 55, 56, and 57, only. (Signed by Deputy Clerk) (SPB) (Entered: 12/20/2011)
12/21/2011	<u>41</u>	ORDER approving <u>39</u> Plaintiff's Notice of Voluntary Dismissal With Prejudice of Doe 31 Only. This cause is dismissed, with prejudice, as to John Doe 31 whose IP Address is 76.5.24.142, only. The Clerk is directed to terminate any pending motions and deadlines and enter judgment accordingly as to John Doe 31, ONLY. Signed by Judge Charlene E. Honeywell on 12/21/2011. (BGS) (Entered: 12/21/2011)
12/21/2011		Case reassigned to the Unassigned Judge pursuant to 2:11-mc-30-FtM-22. New case number: 2:11-cv-358-FtM-99SPC. Judge Charlene E. Honeywell no longer assigned to the case. (DH) (Entered: 12/21/2011)
12/22/2011	<u>42</u>	JUDGMENT dismissing, with prejudice as to John Doe 31, only. (Signed by Deputy Clerk) (SPB) (Entered: 12/22/2011)
01/17/2012	<u>43</u>	MOTION for entry of clerk's default against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa <i>Pursuant to Fed. R. Civ. P. 55(a)</i> by K-Beech, Inc.. (Lian, Alexander) Motions referred to Magistrate Judge Sheri Polster Chappell. (Entered: 01/17/2012)
01/18/2012	<u>44</u>	ORDER granting <u>43</u> the Plaintiff K-Beech, Inc.'s Motion for Entry of Clerks Default Pursuant to Fed. R. Civ. P. 55(a) Against Defendants, John Doe 34 n/k/a David Colby and John Doe 38 n/ka Marcos Figueroa. (1) The Clerk of the Court is hereby directed to enter a Clerks Default against the Defendant David Colby f/n/a John Doe 34. (2) The Clerk of the Court is hereby directed to enter a Clerk's Default against the Defendant Marcos Figueroa f/n/a John Doe 38. Signed by Magistrate Judge Sheri Polster Chappell on 1/18/2012. (LMH) (Entered: 01/18/2012)
01/20/2012	<u>45</u>	CLERK'S ENTRY OF DEFAULT as to John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa (SPB) (Entered: 01/20/2012)
02/03/2012	<u>46</u>	MOTION for default judgment against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa by K-Beech, Inc.. (Lian, Alexander) (Entered: 02/03/2012)

02/03/2012	<u>47</u>	MEMORANDUM in support re <u>46</u> Motion for default judgment filed by K-Beech, Inc.. (Lian, Alexander) (Entered: 02/03/2012)
02/07/2012	<u>48</u>	MOTION for miscellaneous relief, specifically to be Excused from Filing Case Management Report by K-Beech, Inc.. (Lian, Alexander) (Entered: 02/07/2012)
02/10/2012	<u>49</u>	ORDER granting in part and denying in part <u>48</u> Plaintiff's Motion to be Excused from Filing Case Management Report. Plaintiff's Counsel's request to be excused from holding a scheduling conference in this matter is GRANTED. Counsel's request to be excused from filing a case management report is DENIED. Counsel shall have up to and including February 17, 2012 to file a Case Management Report. Signed by Magistrate Judge Sheri Polster Chappell on 2/10/2012. (LMH) (Entered: 02/10/2012)
02/17/2012	<u>50</u>	CASE MANAGEMENT REPORT. (Lian, Alexander) (Entered: 02/17/2012)
02/27/2012	<u>51</u>	ORDER: If all parties desire to consent, this form must be filed with the Clerk on or before March 12, 2012. If not received by this time, this case will be placed on the District Judge's calendar. Signed by Judge Charlene Edwards Honeywell on 2/27/2012. (LAF) (Entered: 02/27/2012)
03/19/2012	<u>52</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Amended Pleadings due by 5/1/2012, Joinder of Parties due by 5/1/2012, Discovery due by 8/1/2012, Dispositive motions due by 9/4/2012, Pretrial statement due by 1/2/2013, All other motions due by 1/2/2013, Plaintiff disclosure of expert report due by 6/1/2012, Defendant disclosure of expert report due by 7/2/2012, Final Pretrial Conference set for 1/22/2013 at 01:30 PM in Ft. Myers Courtroom 6 B before Judge Unassigned Judge, Jury Trial set for term commencing 2/4/2013 before Judge Unassigned Judge, Conduct mediation hearing by 8/15/2012. Lead counsel to coordinate dates. Signed by Judge Charlene Edwards Honeywell on 3/19/2012. (LAF) (Entered: 03/19/2012)
06/13/2012	<u>53</u>	ORDER re <u>46</u> MOTION for default judgment against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa filed by K-Beech, Inc. Plaintiff's Motion for Entry of Default Judgment <u>46</u> is taken under advisement pending a hearing on the Motion. A hearing on the instant Motion is set for June 28, 2012 at 9:00 a.m. before the undersigned in Courtroom 5D at the United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901. Plaintiff shall have up to and including June 25, 2012 to submit affidavits, declarations, or other evidence to the Court in support of its damages and attorneys' fees and costs claims. Signed by Magistrate Judge Sheri Polster Chappell on 6/13/2012. (LMH) (Entered: 06/13/2012)
06/13/2012	54	NOTICE of Hearing on Motion <u>46</u> MOTION for default judgment against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa : Motion Hearing set for 6/28/2012 at 09:00 AM in Ft. Myers Courtroom 5 D before Magistrate Judge Sheri Polster Chappell. (LMH) (Entered: 06/13/2012)
06/15/2012	<u>55</u>	MOTION for miscellaneous relief, specifically To Reschedule Hearing on Motion for Default Judgment Against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa by K-Beech, Inc.. (Lian, Alexander) (Entered: 06/15/2012)
06/20/2012	<u>56</u>	NOTICE of Hearing: Final Pretrial Conference set for 1/3/2013 at 09:30 AM before Judge Gregory A. Presnell in Courtroom 6B, Jury Trial set for 2/4/2013 at 09:00 AM before Judge Gregory A. Presnell in Courtroom 6B.(TKW) (Entered: 06/20/2012)
06/20/2012	<u>57</u>	ORDER granting <u>55</u> Plaintiff's Motion to Reschedule Hearing on Motion for Default Judgment against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marco Figueroa. The hearing previously set for June 28, 2012 at 9:00 a.m. is CANCELLED. The Clerk of Court is directed to remove the hearing from the Courts calendar and note the cancellation on the docket. The hearing on Plaintiffs Motion for Default Judgment <u>46</u> is rescheduled for July 9, 2012 at 1:30 p.m. before the undersigned in Courtroom 5D at the United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901. Plaintiff shall have up to and including July 2, 2012 to submit affidavits, declarations, or other evidence to the Court in support of its damages and attorneys fees and costs claims.. Signed by Magistrate Judge Sheri Polster Chappell on 6/20/2012. (LMH) (Entered: 06/20/2012)

		06/20/2012)
06/20/2012	58	NOTICE of Hearing on Motion <u>46</u> MOTION for default judgment against John Doe 34 n/k/a David Colby, John Doe 38 n/k/a Marcos Figueroa : Motion Hearing set for 7/9/2012 at 01:30 PM in Ft. Myers Courtroom 5 D before Magistrate Judge Sheri Polster Chappell. (LMH) (Entered: 06/20/2012)
06/21/2012	<u>59</u>	MOTION to Appear Telephonically <i>at Hearing on Plaintiff's Motion for Default Judgment Set for July 9, 2012</i> by K-Beech, Inc.. (Lian, Alexander) Motions referred to Magistrate Judge Sheri Polster Chappell. (Entered: 06/21/2012)
06/22/2012	<u>60</u>	ORDER denying <u>59</u> Plaintiff's Motion to Appear Telephonically at Hearing on Plaintiff Motion for Default Set for July 9, 2012. Signed by Magistrate Judge Sheri Polster Chappell on 6/22/2012. (LMH) (Entered: 06/22/2012)
06/25/2012	<u>61</u>	NOTICE of Voluntary Dismissal <i>With Prejudice of Defendant John Doe 34 n/k/a David Colby</i> by K-Beech, Inc. (Lian, Alexander) (Entered: 06/25/2012)
06/25/2012	<u>62</u>	NOTICE of Voluntary Dismissal <i>With Prejudice of Defendant John Doe 38 n/k/a Marcos Figueroa</i> by K-Beech, Inc. (Lian, Alexander) (Entered: 06/25/2012)
06/26/2012	63	ENDORSED ORDER cancelling hearing on Plaintiff's Motion for Default Judgment against John Does #34 and 38, previously set for July 9, 2012. Plaintiff has filed a notice of voluntary dismissal with prejudice of John Does #34 and 38. (Docs. #61, 62). Therefore, the hearing on Plaintiff's Motion for Default against these John Does is due to be cancelled. The hearing will be set for a later date, if necessary. Signed by Magistrate Judge Sheri Polster Chappell on 6/26/2012. (BLW) (Entered: 06/26/2012)
06/26/2012	<u>64</u>	ORDER dismissing case with prejudice re <u>62</u> Notice of Voluntary Dismissal, <u>61</u> Notice of Voluntary Dismissal. Clerk is directed to close the case. Signed by Judge Gregory A. Presnell on 6/26/2012. (TKW) (Entered: 06/26/2012)