

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KRISTIN PHILDIUS,

Plaintiff,

v.

Case No.: 2:24-CV-105-JLB-KCD

THE INDIVIDUALS,
PARTNERSHIPS, AND
UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A, *et al.*,

Defendants,

ORDER

Plaintiff Kristin Phildius filed this copyright action against nearly a hundred e-commerce stores that “are promoting, selling, offering for sale and distributing goods bearing or using unauthorized reproductions or derivatives of [her] Copyrighted Works.” (Doc. 1 at 1-2.) Many of the defendants failed to appear, so the Court entered a default under Fed. R. Civ. P. 55(a). (*See* Doc. 58.) Plaintiff is now seeking a final default judgment against the non-appearing defendants. (Doc. 64.)

The logistics of addressing Plaintiff’s motion has brought to light a threshold issue that needs attention. The defendants in this case seemingly have no connection except that they violated the same copyright. This is not a case of joint liability or concerted action. Thus, it begs the question of

whether joinder is appropriate under Federal Rule of Civil Procedure 20. *See Animaccord Ltd. v. Individuals, Partnerships, & Unincorporated Associations Identified on Schedule "A"*, No. 0:22-CV-60956-KMM, 2023 WL 5625501, at *1 (S.D. Fla. Feb. 28, 2023) (“[P]ermissible joinder under Rule 20 requires, in part, a right to relief to be asserted against each defendant, jointly, severally, or in the alternative with respect to, or arising out of, the same transaction, occurrence, or series of transactions or occurrences.”). As many other courts have recognized, “a plaintiff cannot satisfy Rule 20’s requirements by merely alleging that multiple defendants have infringed the same patent or trademark.” *Id.* (citing cases).

Accordingly, the Court directs Plaintiff to **SHOW CAUSE** as to whether the defendants in this trademark and copyright infringement action can be joined under Federal Rule of Civil Procedure 20. Plaintiff must file a brief, not to exceed fifteen pages, addressing this question **on or before October 11, 2024**. Plaintiff’s Motion for Default Judgment (Doc. 64) is **DENIED WITHOUT PREJUDICE** pending resolution of the joinder issue identified above.

ORDERED in Fort Myers, Florida on October 2, 2024.


Kyle C. Dudek
United States Magistrate Judge