

EXHIBIT K

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.1)
Eastern Division**

XYZ Corporation

Plaintiff,

v.

Case No.:
1:24-cv-11029
Honorable Jeremy
C. Daniel

The Individuals, Corporations, Limited Liability
Companies, Partnerships, and Unincorporated
Associations Identified in Schedule A Hereto

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, October 29, 2024:

MINUTE entry before the Honorable Jeremy C. Daniel: The plaintiff has filed a complaint alleging trademark infringement, counterfeiting, unfair competition, false designation of origin, and violations of the Illinois Uniform Deceptive Trade Practices Act against 20 defendants. (R. 1 and R. 2.) This case follows a pattern common to "Schedule A" cases where plaintiffs allege that defendants employ similar methods and "work in active concert" to infringe plaintiffs' intellectual property. But experience has shown that not all defendants named in a Schedule A case work together. More importantly, experience has shown that joinder under Fed. R. Civ. P. 20 is rarely appropriate in Schedule A cases. Accordingly, the Court raises the propriety of joinder and requires the plaintiff to file a supplemental memorandum addressing the propriety of joinder on or before November 8, 2024. Alternatively, by the same date, the plaintiff may file an amended complaint naming one or more defendants; however, if the plaintiff names multiple defendants, the plaintiff must show that joinder of those defendants is proper. Having reviewed the complaint, the Court is also concerned about certain allegations directed towards joinder. For instance, the complaint alleges that, "Upon information and belief, [d]efendants are working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products in the same transaction, occurrence, or series of transactions or occurrences." (R. 1 Para. 29.) The complaint also alleges that, "[d]efendants, without any authorization of license from the Plaintiff, have jointly and severally, knowingly and willfully used and continue to use the Brand Trademark." (Id.) These are conclusory statements that do nothing to establish the propriety of joinder. Moreover, experience has shown that, while some individual defendants may operate several online stores, and while some individual defendants may coordinate with other defendants before or after the filing of the infringement action, rarely, if ever, have all defendants named in a Schedule A case worked together, let alone "jointly and severally."; Fed. R. Civ. P. 11(b)(3) requires that, "factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery." Pursuant to Fed. R.

Civ. P. 11(c)((3), the Court requires counsel for the plaintiff to show cause why the allegations that "defendants are working in active concert" or that defendants have done anything "jointly and severally" do not violate Rule 11(b)(3). The Court will consider the issues raised in this order first, and will hear argument on the issues raised in this order on November 12, 2024, at 9:30 a.m. Mailed notice. (vcf,)

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