

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

Gag Gifts For Good Causes, LLC

Plaintiff,

v.

Case No.:
1:24-cv-13117
Honorable Franklin
U. Valderrama

The Individuals, Corporations, Limited Liability
Companies, Partnerships, And Unincorporated
Associations Identified On Schedule A Hereto

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, January 2, 2025:

MINUTE entry before the Honorable Franklin U. Valderrama: On review of the complaint and the memorandum in support of Plaintiff's motion for a temporary restraining order [3], the Court raises the propriety of joinder of the 27 Defendants. Federal Rule of Civil Procedure 20(a)(2) governs permissive joinder of defendants. It permits defendants to be joined in a single action if two conditions are met: (1) "any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions;" and (2) "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2); see *UWM Student Ass'n v. Lovell*, 888 F.3d 854, 863 (7th Cir. 2018). As other courts within this District have held, "it is appropriate for federal courts to raise improper joinder on their own, especially when the sheer number of defendants waves a joinder red flag and ups the chances that the plaintiff should be paying separate filing fees for separate cases. The need for sua sponte evaluation also intensifies when it would take enormous time and effort to check the evidencesuch as screenshots of dozens and dozens of defendants' online storesamassed into a single case absent actual connections between the defendants." *Estee Lauder Cosms. Ltd. v. Partnerships & Unincorporated Associations Identified on Schedule A*, 334 F.R.D. 182, 186 (N.D. Ill. 2020) (citing *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)); see also, e.g., *Andrew Blair Bailie v. Partnerships and Unincorporated Associations Identified on Schedule "A"*, 24-cv-02150 Dkt. 28 (Apr. 24, 2024). Similar to another court in this District, this Court's "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." *Toyota Motor Sales, U.S.A., Inc. v. Partnerships and Unincorporated Associations Identified on Schedule A*, 24-cv-09401 Dkt. 23 (Oct. 18, 2024). Federal Rule of Civil Procedure 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." Accordingly, the Court

directs Plaintiff to file, on or before 01/10/2025, a supplemental memorandum addressing the propriety of joinder. This memorandum shall also show cause, pursuant to Fed. R. Civ. P. 11(c)(3), as to why the allegation that "defendants are working in active concert" does not violate Rule 11(b)(3). Instead of the supplemental memorandum, by the same deadline, Plaintiff may file an amended complaint with (a) one defendant or (b) a subset of the defendants along with a memorandum explaining why joinder of those defendants is proper. Mailed notice. (jcm)

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