

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE # 3:15-cv-00866-SB**

Cobbler Nevada, LLC v. Gonzales
Assigned to: Magistrate Judge Stacie F. Beckerman
Cause: 17:101 Copyright Infringement

Date Filed: 05/20/2015
Date Terminated: 07/19/2016
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Cobbler Nevada, LLC

represented by **Drew P. Taylor**
Crowell Law
PO Box 923
Salem, OR 97308
503-581-1240
Email: drew@crowell-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carl D. Crowell
Crowell Law
943 Liberty St., SE
P.O. Box 923
Salem, OR 97308-0923
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ATTORNEY TO BE NOTICED

V.

Defendant

Doe-24.21.136.125
TERMINATED: 11/04/2015

Defendant

Thomas Gonzales
TERMINATED: 07/05/2016

represented by **David H. Madden**
Mersenne Law LLC
9600 SW Oak St.
Suite 500
Tigard, OR 97223
503-679-1671
Fax: 503-512-6113
Email: dhm@mersenne.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/20/2015	1	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-4127505 Filer is subject to the requirements of Fed. R. Civ. P. 7.1. Jury Trial Requested: Yes. Included copyrights: PA 3-744-688--The Cobbler--Cobbler Nevada, LLC. Filed by Cobbler Nevada, LLC against Doe-24.21.136.125 (Attachments: # 1 Civil Cover Sheet). (Taylor, Drew) (Entered: 05/20/2015)
05/20/2015	2	Corporate Disclosure Statement . Filed by Cobbler Nevada, LLC. (Taylor, Drew) (Entered: 05/20/2015)
05/20/2015	3	Ex Parte Motion to Expedite or Accelerate <i>Discovery to ID Doe defendant</i> . Filed by Cobbler Nevada, LLC. (Taylor, Drew) (Entered: 05/20/2015)
05/20/2015	4	Notice of Case Assignment to Magistrate Judge Janice M. Stewart and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 9/17/2015. Joint Alternate Dispute Resolution Report is due by 10/19/2015. Pretrial Order is due by 10/19/2015. Ordered by Magistrate Judge Janice M. Stewart. (cib) (Entered: 05/20/2015)
05/20/2015	5	Copyright Report: This report is being submitted pursuant to 17 U.S.C. section 508(a), which states: Within one month after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights setting forth, as far as is shown by the papers filed in the court, the names and addresses of the parties and the title, author, and registration number of each work involved in the action. (cib) (Entered: 05/20/2015)
05/20/2015	6	Clerk's Notice of Mailing to Register of Copyrights Copyright Office regarding Copyright Report, 5 , Complaint, 1 . (cib) (Entered: 05/20/2015)
05/21/2015	7	ORDER: Granting Ex Parte Motion to Expedite or Accelerate Discovery to ID Doe defendant. 3 . Ordered by Magistrate Judge Janice M. Stewart. (jlr) (Entered: 05/21/2015)
07/20/2015	8	Motion for Discovery and/or Inspection - <i>Leave to Conduct FRCP 45 Deposition to ID Defendant</i> . Filed by Cobbler Nevada, LLC. (Attachments: # 1 Exhibit 1) (Taylor, Drew) (Entered: 07/20/2015)
07/20/2015	9	Certificate of Service by Cobbler Nevada, LLC of Motion for Discovery and/or Inspection - <i>Leave to Conduct FRCP 45 Deposition to ID Defendant</i> 8 Filed by Cobbler Nevada, LLC. (Taylor, Drew) (Entered: 07/20/2015)
07/21/2015	10	Order: On or before 7/28/15, plaintiff shall supplement Motion for Leave to Conduct FRCP 45 Deposition to Identify Defendant 8 with facts to support the statement that "the identified subscriber refuses to respond to communications or participate in any investigation or inquiry." Ordered by Magistrate Judge Janice M. Stewart. (jlr) (Entered: 07/21/2015)
07/21/2015	11	Supplement Filed by Cobbler Nevada, LLC. (Related document(s): Motion For Discovery/Inspection 8 .) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5) (Crowell, Carl) Modified on 7/23/2015 STRIKING entry per Order 17 (jlr). (Entered: 07/21/2015)
07/21/2015	12	Certificate of Service by Cobbler Nevada, LLC of Supplement 11 Filed by Cobbler Nevada, LLC. (Crowell, Carl) Modified on 7/23/2015 STRIKING entry per Order 17 (jlr).

		(Entered: 07/21/2015)
07/22/2015	13	Supplemental Declaration. Filed by Cobbler Nevada, LLC. (Related document(s): Motion For Discovery/Inspection 8 .) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5) (Crowell, Carl) Modified on 7/27/2015 (pvh). (Entered: 07/22/2015)
07/22/2015	14	Certificate of Service by Cobbler Nevada, LLC of Supplement 13 Filed by Cobbler Nevada, LLC. (Crowell, Carl) (Entered: 07/22/2015)
07/22/2015	15	Motion to Strike <i>inadvertent filing</i> Certificate of Service 12 , Supplement 11 . Filed by Cobbler Nevada, LLC. (Crowell, Carl) (Entered: 07/22/2015)
07/23/2015	16	ORDER: Granting Motion for Discovery and/or Inspection - Leave to Conduct FRCP 45 Deposition to ID Defendant. 8 . Ordered by Magistrate Judge Janice M. Stewart. (jlr) (Entered: 07/23/2015)
07/23/2015	17	ORDER: Granting Motion to Strike 15 Motion to Strike <i>inadvertent filing</i> Certificate of Service 12 , and Supplement 11 . Ordered by Magistrate Judge Janice M. Stewart. (jlr) (Entered: 07/23/2015)
08/13/2015	18	Motion to Permit Alternative or Mail FRCP 45 Service on Non-Party. Filed by Cobbler Nevada, LLC. (Attachments: # 1 Exhibit 1) (Taylor, Drew) (Entered: 08/13/2015)
08/13/2015	19	Declaration of Counsel. Filed by Cobbler Nevada, LLC. (Related document(s): Motion - Miscellaneous 18 .) (Taylor, Drew) (Entered: 08/13/2015)
08/13/2015	20	Certificate of Service by Cobbler Nevada, LLC of Motion to Permit Alternative or Mail FRCP 45 Service on Non-Party 18 Filed by Cobbler Nevada, LLC. (Taylor, Drew) (Entered: 08/13/2015)
08/14/2015	21	ORDER: Granting Motion to Permit Alternative or Mail FRCP 45 Service on Non-Party 18 . Ordered by Magistrate Judge Janice M. Stewart. (ST) (Entered: 08/14/2015)
08/25/2015	22	Certificate of Service by Cobbler Nevada, LLC of Order on Motion - Miscellaneous 21 Filed by Cobbler Nevada, LLC. (Taylor, Drew) (Entered: 08/25/2015)
10/22/2015	23	Scheduling Order by Magistrate Judge Janice M. Stewart STRIKING all pretrial deadlines to be reset after defendant is identified, served, and appears. (jlr) (Entered: 10/22/2015)
11/04/2015	24	First Amended Complaint . Filed by Cobbler Nevada, LLC against Thomas Gonzales (Attachments: # 1 Proposed Summons). (Crowell, Carl) (Entered: 11/04/2015)
11/06/2015	25	Summons Issued Electronically as to Thomas Gonzales. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (cib) (Entered: 11/06/2015)
12/28/2015	26	Notice of Appearance of David H. Madden appearing on behalf of Thomas Gonzales Filed by on behalf of Thomas Gonzales (Madden, David) (Entered: 12/28/2015)
12/28/2015	27	Motion to Dismiss <i>Second C/A, "Indirect Infringement"</i> . Oral Argument requested. Filed by Thomas Gonzales. (Madden, David) (Entered: 12/28/2015)
12/29/2015	28	Scheduling Order by Magistrate Judge Janice M. Stewart regarding Motion to Dismiss <i>Second C/A, "Indirect Infringement"</i> 27 . Oral Argument is set for Thursday, 2/4/2016 at 09:30AM in Portland Courtroom 11A before Magistrate Judge

		Janice M. Stewart. See attached Notice Regarding Civil Case Procedures in cases assigned to Judge Stewart. (jlr) (Entered: 12/29/2015)
01/04/2016	29	Response in Opposition to Motion to Dismiss <i>Second C/A, "Indirect Infringement"</i> 27 . Filed by Cobbler Nevada, LLC. (Crowell, Carl) (Entered: 01/04/2016)
01/21/2016	30	Reply to Motion to Dismiss <i>Second C/A, "Indirect Infringement"</i> 27 ORAL ARGUMENT requested. Filed by Thomas Gonzales. (Madden, David) (Entered: 01/21/2016)
01/28/2016	31	Scheduling Order by Magistrate Judge Janice M. Stewart: STRIKING the 2/4/16 oral argument on defendant's Motion to Dismiss 27 , to be reset at a later date. (jlr) (Entered: 01/28/2016)
02/08/2016	32	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge Janice M. Stewart to Magistrate Judge Stacie F. Beckerman. (eo) (Entered: 02/08/2016)
02/17/2016	33	SCHEDULING ORDER regarding Motion to Dismiss <i>Second C/A, "Indirect Infringement"</i> 27 . Oral Argument is set for Monday, March 14, 2016 at 10:00 AM in Portland Courtroom 9B before Magistrate Judge Stacie F. Beckerman. Ordered by Magistrate Judge Stacie F. Beckerman. (gw) (Entered: 02/17/2016)
03/14/2016	34	MINUTES of Proceedings: before Magistrate Judge Stacie F. Beckerman. Motion Hearing Held regarding Motion to Dismiss Plaintiff's Second Claim for Relief 27 . Motion is taken under advisement as of 3/14/2016. A Findings and Recommendation will be issued in due course. Carl Crowell present as counsel for plaintiff. David Madden present as counsel for defendant. Court Reporter: Jill Jessup. (jlr) (Entered: 03/14/2016)
03/18/2016	35	Findings & Recommendation: The district judge should GRANT Defendant's Motion to Dismiss 27 , and DISMISS Plaintiff's second claim for relief, with prejudice. In addition, the district judge should also DISMISS Plaintiff's first claim for relief, without prejudice. Signed on March 18, 2016 by Magistrate Judge Stacie F. Beckerman. (SB) (Entered: 03/18/2016)
03/18/2016	36	Order referring Findings & Recommendation 35 to Judge Anna J. Brown for review. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. Signed on March 18, 2016, by Magistrate Judge Stacie F. Beckerman. (SB) (Entered: 03/18/2016)
04/04/2016	37	Objections to Findings & Recommendation 35 . Filed by Cobbler Nevada, LLC. (Crowell, Carl) Modified docket text on 4/4/2016 (gw). (Entered: 04/04/2016)
04/18/2016	38	Response to Objections to Findings & Recommendation. Related document(s): 37 Objections to Findings & Recommendation, 35 Findings & Recommendation,. Filed by Thomas Gonzales. (Madden, David) (Entered: 04/18/2016)
06/08/2016	39	ORDER: The Court ADOPTS Magistrate Judge Beckerman's Findings and Recommendation 35 . Accordingly, the Court GRANTS Defendant's Motion to Dismiss 27 and DISMISSES with prejudice Plaintiff's Second Claim for indirect infringement. The Court also DISMISSES without prejudice Plaintiff's First Claim for direct infringement. This matter is returned to the Magistrate Judge for further proceedings regarding the dismissal of Plaintiff's First Claim without prejudice and, if the Magistrate Judge deems appropriate, to set a schedule for Plaintiff to file an amended complaint to cure the deficiencies already noted. IT IS SO ORDERED. Signed on 6/8/2016 by Judge Anna J. Brown. (gw) (Entered: 06/08/2016)

06/27/2016	40	SCHEDULING ORDER: Plaintiff is to file an Amended Complaint by 7/18/2016. Ordered by Magistrate Judge Stacie F. Beckerman. (gw) (Entered: 06/27/2016)
07/05/2016	41	Second Amended Complaint . Filed by Cobbler Nevada, LLC against Doe-24.21.136.125. (Crowell, Carl) (Entered: 07/05/2016)
07/08/2016	42	SCHEDULING ORDER: A telephone conference regarding the Second Amended Complaint 41 and case management is set for Monday, July 11, 2016 at 03:15 PM before Magistrate Judge Stacie F. Beckerman. The parties shall call into the court's conference line (phone number to be provided via separate e-mail) five minutes before the scheduled conference time. The court will join the conference call at the appointed time. Ordered by Magistrate Judge Stacie F. Beckerman. (gw) (Entered: 07/08/2016)
07/11/2016	43	MINUTES of Proceedings: Telephone Status Conference held on 7/11/2016 before Magistrate Judge Stacie F. Beckerman. Carl D. Crowell present as counsel for plaintiff. David H. Madden present as counsel for defendant. Court Reporter: None. Tape No.: None. Magistrate Judge Stacie F. Beckerman presiding. (gw) (Entered: 07/11/2016)
07/13/2016	44	ORDER TO SHOW CAUSE. The Court ORDERS plaintiff to show cause in writing, within 21 days, why its Second Amended Complaint 41 should not be dismissed for failure to cure the deficiencies identified in the Court's Order of Dismissal 39 and the Court's Findings and Recommendation 35 , or for failure to identify the Doe defendant in a timely manner, pursuant to Fed. R. Civ. P. 4(m). Ordered on 7/13/2016 by Magistrate Judge Stacie F. Beckerman. (gw) (Entered: 07/13/2016)
07/19/2016	45	Notice of Voluntary Dismissal Filed by Cobbler Nevada, LLC (Crowell, Carl) (Entered: 07/19/2016)
07/19/2016	46	Copyright Report: Closing Report. (Copy of report and Notice of Voluntary Dismissal 45 mailed to Register of Copyrights.) (gw) (Entered: 07/19/2016)
07/19/2016	47	Motion for Attorney Fees , Bill of Costs . Filed by Thomas Gonzales. (Attachments: # 1 Attachment Declaration of Counsel) (Madden, David) (Entered: 07/19/2016)
08/03/2016	48	Response in Opposition to Motion for Attorney Fees Bill of Costs 47 . Filed by Cobbler Nevada, LLC. (Crowell, Carl) (Entered: 08/03/2016)
08/03/2016	49	Declaration of <i>Counsel</i> . Filed by Cobbler Nevada, LLC. (Related document(s): Response in Opposition to Motion 48 .) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Crowell, Carl) (Entered: 08/03/2016)
08/17/2016	50	Reply to Motion for Attorney Fees Bill of Costs 47 . Filed by Thomas Gonzales. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Madden, David) (Entered: 08/17/2016)
12/02/2016	51	FINDINGS AND RECOMMENDATION: The district judge should enter judgment dismissing Plaintiff's claims against Gonzales with prejudice, GRANT Gonzales' request for attorney's fees in the amount of \$17,222.40, and GRANT Gonzales' request for costs in the amount of \$252.20. Objections to the Findings and Recommendation are due by 12/19/2016. Signed on 12/2/2016 by Magistrate Judge Stacie F. Beckerman. (gw) (Entered: 12/02/2016)
12/02/2016	52	Order referring Findings & Recommendation 51 and Motion for Attorney Fees, Bill of Costs 47 to Judge Simon. Ordered by Magistrate Judge Stacie F. Beckerman. (gw) (Entered: 12/02/2016)

12/19/2016	53	Objections to Findings & Recommendation: Motion for Attorney Fees Bill of Costs 47 should be GRANTED 51 . Filed by All Plaintiffs. (Crowell, Carl) (Entered: 12/19/2016)
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