

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-62388-CIV-SINGHAL

ADIDAS AG *et al.*,

Plaintiffs,

v.

THE INDIVIDUALS, BUSINESS ENTITIES,  
AND UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A,"

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on a *sua sponte* review of the record. On December 19, 2024, Plaintiffs filed a Complaint (DE [1]) in the above-styled action alleging the following:

Most Defendants are, upon information and belief, concurrently employing and benefitting from substantially similar, advertising and marketing strategies based, in large measure, upon an unauthorized use of counterfeits and infringements of the adidas Marks. . . . Defendants are causing individual, concurrent and indivisible harm to Plaintiffs and the consuming public by (i) depriving Plaintiffs of their right to fairly compete for space online and within search engine results and reducing the visibility of Plaintiffs' genuine goods on the World Wide Web, (ii) causing an overall degradation of the value of the goodwill associated with the adidas Marks, (iii) increasing Plaintiffs' overall cost to market their goods and educate consumers about their brands via the Internet and/or (iv) maintaining an illegal marketplace enterprise which perpetuates the ability of Defendants and future entrants to that marketplace to confuse consumers and harm Plaintiffs with impunity.

(Compl. (DE [1]) ¶ 29). Plaintiffs separately allege the following:

Given the visibility of Defendants' various websites and the similarity of their concurrent actions, it is clear Defendants are either affiliated, or at a minimum, cannot help but know of each other's existence and the unified harm likely to be caused to Plaintiffs and the overall consumer market in which they operate because of Defendants' concurrent action. Although some Defendants may be physically acting independently, they may

properly be deemed to be acting in concert because the combined force of their actions serves to multiply the harm caused to Plaintiffs.

*Id.* ¶¶ 35–36.

Rule 20 of the Federal Rules of Civil Procedure provides in relevant part that, “[p]ersons . . . may be joined in one action as defendants if: (A) 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 or occurrences; and (B) any question of law or fact common to all defendants will arise in the action. Fed. R. Civ. P. 20(a)(2) (emphasis added). Moreover, Rule 21 provides that, “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. “Joinder is ‘strongly encouraged’ and the rules are construed generously ‘toward entertaining the broadest possible scope of action consistent with fairness to the parties.’” *Vanover v. NCO Fin. Servs., Inc.*, 857 F.3d 833, 839 (11th Cir. 2017) (quoting *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966)). “However, district courts have ‘broad discretion to join parties or not and that decision will not be overturned as long as it falls within the district court’s range of choices.’” *Id.* (quoting *Swan v. Ray*, 293 F.3d 1252, 1253 (11th Cir. 2002) (per curiam)).

As the U.S. Court of Appeals for the District of Columbia Circuit has observed, “[s]imply committing the same type of violation in the same way does not link defendants together for the purposes of joinder.” *AF Holdings, LLC v. Does 1-1058*, 752 F.3d 990, 998 (D.C. Cir. 2014) (quoting *Hard Drive Productions, Inc. v. Does 1-30*, 2011 WL 4915551, at \*3 (E.D. Va. 2011) (alterations in original)). Further, conclusory allegations of connectivity do not establish a sufficient connection between Defendants to permit joinder. See *id.* (citing *Illustrata Servicos Design, Ltda. v. P’ships & Unincorporated Ass’ns*, 2021 WL 5396690, at \*2 (N.D. Ill. Nov. 18, 2021)).

On those grounds, in our District the Honorable K. Michael Moore has held that a plaintiff who alleged “Defendants are ‘concurrently employing and benefitting from substantially similar advertising and marketing strategies based, in large measure, upon an illegal use of counterfeits and infringements of one or more of Plaintiffs’ Marks,’” did not satisfy Rule 20’s requirements. *Omega, SA v. Individuals, Bus. Entities, & Unincorporated Associations Identified on Schedule “A”*, 2023 WL 2248233, at \*2 (S.D. Fla. Jan. 14, 2023).

Here, the Complaint does not adequately establish that joinder of all the Defendants is proper. Plaintiffs fail to allege sufficiently how Defendants’ alleged infringements are properly understood as the same infringement of Plaintiffs’ intellectual property rights, nor do Plaintiffs sufficiently allege how ordering joint and several relief against Defendants is proper here. The Court is unconvinced that joinder is proper under Rule 20. Accordingly, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. Plaintiffs shall file a response to this Order no later than **January 16, 2025**, setting forth why joinder of Defendants is proper under Rule 20. Plaintiffs’ response should further explain how Defendants’ alleged infringements are related to one another, and why these copyright infringements should be considered the same (rather than similar) infringements for Rule 20 purposes. Plaintiffs should also provide authority to guide the Court’s review. If the technical requirements of joinder under Rule 20 are met in this action, Plaintiffs shall also set forth whether joinder of Defendants promotes judicial economy. See *Omega, SA*, 2023 WL 2248233, at \*3 (finding judicial economy undermined where court must still evaluate evidence submitted against each Defendant

in support of liability and damages and exercising discretion not to join defendants under Rule 20).

2. Plaintiffs shall further show cause why the Court should not drop parties pursuant to Rule 21 of the Federal Rules of Civil Procedure.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 2nd day of January 2025.

  
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RAAG SINGHAL  
UNITED STATES DISTRICT JUDGE

Copies furnished counsel via CM/ECF