

1 GILL SPERLEIN (172887)  
 2 THE LAW FIRM OF GILL SPERLEIN  
 3 584 Castro Street, Suite 849  
 4 San Francisco, California 94114  
 5 Telephone: (415) 487-1211 X32  
 6 Facsimile: (415) 252-7747  
 7 legal@titanmedia.com

8 Attorney for Plaintiff  
 9 IO GROUP, INC.

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 IO GROUP, INC. v. GILBERT MICHAEL )  
 14 GONZALES, et al. ) CASE NO. C-07-5026 (MHP)  
 15 )  
 16 In Re IO GROUP, INC. ) CASE NO. C-07-80228-MSC. (SI)  
 17 )  
 18 )  
 19 ) **PLAINTIFF IO GROUP, INC.'S NOTICE**  
 20 ) **OF RELATED MATTERS (MOTION**  
 21 ) **FOR ADMINISTRATIVE RELIEF); and**  
 22 ) **[PROPOSED] ORDER**

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23 Pursuant to Local Rules 3-12 and 7-11, Plaintiff Io Group, Inc. hereby submits this Notice  
 24 of Related Matters and requests assignment of the above captioned matters to the Honorable  
 25 Marilyn Hall Patel in the San Francisco Division.

26 1. On September 28, 2007, Io Group, Inc. filed in the United States District Court for  
 27 the Northern District of California a civil complaint against Gilbert Michael Gonzales and twenty-  
 28 one John Does. The Clerk randomly assigned the case to the Honorable Marilyn Hall Patel  
 attaching the docket number C-07-5026 (MHP). Declaration of Gill Sperlein at ¶2.

2. Subsequently on September 28, 2007, Io Group, Inc. requested that the Clerk of the  
 Court issue a Subpoena to Ning, Inc. under the unique subpoena provisions designed to quickly

1 identify on-line infringers as set forth at 17 U.S.C. § 512(h). As is customary, the Clerk of the  
2 Court opened a miscellaneous case file and the matter was randomly assigned to the Honorable  
3 Susan Illston, attaching the docket number C-07-80228-MISC (SI). *Id.* at ¶3.

4  
5 3. The above referenced cases are related in the following manner: a) The cases have  
6 virtually the same parties in that the plaintiff is identical in both cases, and the purpose of the  
7 DMCA subpoena is to assist in establishing the true identities of the defendants identified as  
8 DOES in the matter of *Io Group, Inc. v. Gonzales*, C-07-5026 (MHP); and b) the matters pertain to  
9 identical property rights, namely copyrights owned by plaintiff Io Group, Inc. and infringed by the  
10 DOE Defendants. *Id.* at ¶4.

11  
12 4. If the cases are conducted before different judges there is likely to be an unduly  
13 burdensome duplication of labor and expense. *Id.* at ¶5.

14  
15 5. Because the claims in the above-referenced cases involve virtually identical parties  
16 and the purpose of the subpoena is merely to establish the identities of defendants in *Io Group,*  
17 *Inc. v. Gonzales*, C-07-5026 (MHP), Plaintiff Io Group, Inc. contends that assignment of the two  
18 matters to the Honorable Marilyn Hall Patel will likely conserve judicial resources and promote  
19 efficient determination of the actions. *Id.* at ¶6.

20  
21 6. In accordance with Civil Local Rule 7-11(a) plaintiff has concurrently filed the  
22 declaration of Gill Sperlein explaining that a stipulation could not be obtained regarding this  
23 Motion for Administrative Relief because: a) parties are not authorized to relate cases via  
24 stipulation and b) because defendants have yet to appear. *Id.* at ¶7.

25 Dated: *October 4, 2007*

Respectfully submitted,

26 /s/ *Gill Sperlein*

27 GILL SPERLEIN,  
28 Attorney for Plaintiff

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**[PROPOSED] ORDER**

Having read and considered Plaintiff Io Group, Inc.'s Notice of Related Matters and having found just cause, I HEREBY ORDER, that *Io Group, Inc. v. Gonzales*, C-07-5026 (MHP) and *In Re IO GROUP, INC.* C-07-80228-MISC (SI) are related. Counsel are instructed that all future filings in the reassigned matter are to bear the initials MHP immediately after the case number.

IT IS SO ORDERED.

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MARILYN HALL PATEL  
UNITED STATES JUDGE

**CERTIFICATE OF SERVICE**

I am over 18 years of age, am employed in the county of San Francisco, at 69 Converse Street, San Francisco, California, 94110 in the office of a member of the Bar of the United States District Court for the Northern District of California. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with United Parcel Service and correspondence is deposited with United Parcel Service that same day in the ordinary course of business. Today I served the attached:

- **PLAINTIFF IO GROUP, INC.'S NOTICE OF RELATED MATTERS (MOTION FOR ADMINISTRATIVE RELIEF); AND [PROPOSED] ORDER;**
- **DECLARATION OF GILL SPERLEIN IN SUPPORT OF NOTICE OF RELATED MATTERS;**

by causing a true and correct copy of the above to be placed in United Parcel Service at San Francisco, California in a sealed envelope with postage prepaid, addressed as follows:

Gilbert Michael Gonzales  
66640 Granada Avenue  
Desert Hot Springs, CA 61867

United States District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102

The Honorable Susan Illston  
CHAMBERS COPY

United States District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102

e-filing Chambers Copy  
*Io Group, Inc. v. Gonzales, C-07-5026 (MHP)*

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 4, 2007.

/s/ Steve Azbell  
Steve Azbell

I hereby attest that this is the declaration of Steve Azbell and the original with Steve Azbell's holographic signature is on file for production for the Court if so ordered, or for inspection upon request by any party. Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: *October 4, 2007*

/s/ Gill Sperlein  
GILL SPERLEIN,  
Counsel for Plaintiff Io Group, Inc.