

directed, but the court thinks it safe to assume that the complaint in each instance is of a subpoena issued and served pursuant to the August 17 order.

The August 17 order was signed in response to a request made by plaintiff in a motion for leave to take expedited discovery filed in this action on August 15, 2011. The representation was made by plaintiff to the court in that motion that "[f]ederal district courts throughout the country have granted expedited discovery in lawsuits similar to this one." Mot. for Leave at 4. No mention is made in such motion or any other document filed by plaintiff of any instance when a plaintiff has encountered judicial resistance in the obtaining of expedited discovery in a suit such as this. By that omission, plaintiff has failed to demonstrate the level of candor the court expects of members of the bar of this court.

The recently filed documents indicate that counsel for plaintiff, Evan Stone ("Stone"), has filed at least sixteen lawsuits similar to the instant action in the Dallas Division of this court, that each of those lawsuits was summarily dismissed, principally for improper joinder of the defendants, and that discovery of the kind, and under the conditions, sought by, and granted to, plaintiff in this action was inappropriate. If plaintiff and Stone had displayed the slightest degree of candor

with the court, they would have disclosed to the court in their motion for leave that judges in this district had raised serious questions concerning the propriety of the filing of actions such as this and the discovery techniques employed by Stone and his clients in all, or a large number, of the suits they filed in the Dallas Division.

With the knowledge the court now has, the court questions the wisdom of the August 17 order, and has concluded that it should be set aside and that the other orders set forth below are appropriate at this time. Therefore,

The court ORDERS that:

1. the August 17 order be, and is hereby, set aside;
2. plaintiff take no action pursuant to the authority granted by the August 17 order;
3. if plaintiff has received any information or material pursuant to any discovery authorized by the August 17 order, plaintiff immediately return all such material to the person or entity from which it was received and make no use of any such information for any purpose;
and
4. plaintiff promptly provide a copy of this order to (a) each person or entity to, or against, whom plaintiff has directed any discovery activity pursuant to the

authority of the August 17 order and (b) each person or entity whose identity was disclosed to plaintiff pursuant to any discovery activity authorized by such order.

The court further ORDERS that plaintiff's motion for leave to take expedited discovery filed August 15, 2011, be, and is hereby, denied.

The court normally does not entertain suits against unidentified persons or entities. Upon further study of this case, the court is inclined to think that this action should be dismissed because of the failure of the plaintiff to identify any person or entity as a defendant in this action. The use of unnamed defendants generally is not favored in the federal courts. See Haddad v. Fromson, 154 F. Supp. 2d 1085, 1093 (W.D. Mich. 2001). With that in mind,

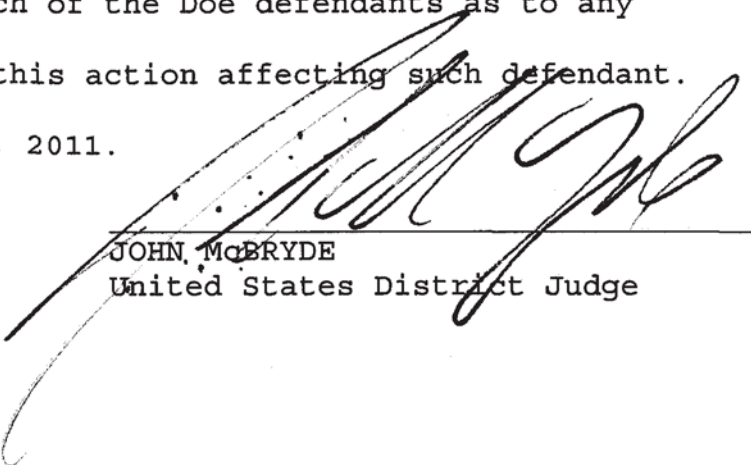
The court further ORDERS that by October 7, 2011, plaintiff file a document giving a reason, supported by reference to applicable legal authority, why this action should not be dismissed because of the failure of plaintiff to identify any defendant by name.

The court further ORDERS that by October 7, 2011, plaintiff shall file a document providing to the court each of the

following:

1. a statement as to plaintiff's position, supported by reference to applicable legal authority, as to why, if this action is not otherwise dismissed, this action should not be dismissed because of improper joinder of parties;
2. a statement, supported by reference to applicable legal authorities, as to why, if the action is not dismissed, it should not be severed so that a separate action will be created and pending as to each of the 417 Doe defendants that are named in Exhibit 3 to the declaration of Scott Armstrong filed in this action on August 15, 2011; and
3. a statement, supported by reference to applicable legal authorities, as to why, if this action is not dismissed, an attorney or guardian ad litem should not be appointed to provide representation, at plaintiff's expense, to each of the Doe defendants as to any activities in this action affecting such defendant.

SIGNED September 28, 2011.



JOHN MCBRYDE
United States District Judge