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# Schedule A: Where Convenience & Civil Procedure Clash

**A Schedule A tactic to herd alleged infringers into a single action is testing the limits of civil procedure rules, prompting pushback from the U.S. District Court for the Northern District of Illinois.**

**ALMOST 90 PERCENT OF SCHEDULE A LAWSUITS** in the country are funneled into the U.S. District Court for the Northern District of Illinois. Perceived as a venue friendly to intellectual property rightsowners, the choice is also predicated on proximity, as Schedule A plaintiff's firms are concentrated in Chicago. Their output has been prodigious: Over the past five years thousands of cases have been filed by a handful of firms, with approximately 2,000 cases filed in 2024 alone.[1]

This relatively new niche arose due to the piracy plaguing online marketplaces. The "Schedule A" moniker derives from the complaint's first exhibit, a sealed list of the defendants—mostly small, Chinese-based

1. Ivan Moreno, *Illinois vs. The Internet: IP Suits Over Online Sales Stir Debate*, Law360 (Feb. 14, 2025), law.isba.org/4i8S6Rq.

**ISBA RESOURCES >>**

- Daniel Kegan, *Taking a Default*, Intellectual Property (Nov. 2015), law.isba.org/3Mc7hxm.
- Eric R. Waltmire, *Know When To Stop Wasting Money on Trademark Litigation*, Intellectual Property (Nov. 2015), law.isba.org/3LiC5G2.
- See also the standing Intellectual Improbabilities™ column in Intellectual Property, the Newsletter of the ISBA's Section on Intellectual Property Law, isba.org/sections/ip/newsletter.

sellers on platforms like Amazon, eBay, and Alibaba. Although not a class action, Schedule A complaints amass online storefronts to consolidate battles against intellectual property theft.

Stopping counterfeiters in the digital age is a task of Sisyphean proportions. Stealth and speed are essential. To avoid the disbursement of ill-gotten proceeds, plaintiffs creep into court with a sealed complaint and *ex parte* request for a temporary restraining order (TRO). From there, cases follow a prescribed format. Within a week, the TRO, which freezes the defendants' third-party platform accounts, is approved. Plaintiffs return a month later for a preliminary injunction. Resistance to such relief is sporadic, and within two weeks the injunction is entered. Default judgment is granted a month after that for all nonobjecting sellers, which is the bulk of defendants. Statutory damages ranging from $2,000 to $100,000 per defendant are awarded and defendants' platform accounts liquidated.

This low-risk, high-reward model went smoothly for almost a decade, permitting plaintiffs to expeditiously protect their trademarks, copyrights, and patents. The short litigation shelf life also enables cases to be churned out. But the past two years have marked an inflection point. Some are concerned that procedural safeguards like service of process, joinder, and personal jurisdiction are undermined by the litigation's formulaic process. Santa Clara University School of Law professor Eric Goldman presents an unsettling portrayal of Schedule A as an "abusive" system that imposes "substantial costs on online marketplaces, consumers, and the courts."[2] Northern District Judge Steven Seeger laments the Northern District is becoming "an assembly line."[3] Northern District Judge John Kness contends the Schedule A structure works "only by stretching applicable procedural rules past their breaking point."[4] In turn, more assertive defendants, emboldened by a slow but steady stream of favorable rulings, seek to wrest the initiative from plaintiffs.

At the core of Schedule A is a tension between streamlining the protection of intellectual property rights and abiding by the Federal Rules of Civil Procedure and due process. Balancing these interests has proven elusive. Ultimately, a leaner, more subdued version of Schedule A may be necessary to better conform with civil-procedure and due-process norms. And while the methodologies of Schedule A can be debated, it has undoubtedly and profoundly changed the Northern District docket. To that end, this article unpacks Schedule A, its origins, and its effect on civil procedure.

## The rise of online shopping

The crumbling of brick-and-mortar stores marked not the death of retail so much as its metamorphosis. Online sales have surged as e-commerce sites transformed retail transactions. While this paradigm shift is often viewed from the buyer's perspective, it is

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2. Eric Goldman, *A Sad Scheme of Abusive Intellectual Property Litigation*, 123 Colum. L. Rev. F. 183, 194-195 (2023); Sarah Fackrell, *The Counterfeit Sham*, 138 Harv. L. Rev. 471, 493-494 (2025).

3. *Zorro Productions, Inc. v. Individuals, Corps., Ltd. Liability Cos., Partnerships, & Unincorporated Ass'ns Identified on Schedule A Hereto*, No. 23-cv-5761, ECF 36, at 3 (N.D. Ill. Dec. 20, 2023).

4. *Eicher Motors Ltd. v. The Individuals, Corps., Ltd. Liability Cos., Partnerships, and Unincorporated Ass'ns Identified on Schedule A Hereto*, No. 25-cv-02937, 2025 WL 2299593, at *5-6 (N.D. Ill. Aug. 8, 2025).

**TAKEAWAYS >>**

- Named after a complaint's first exhibit—a sealed list of defendants—Schedule A lawsuits target large groups of online storefronts for intellectual property theft. The U.S. District Court for the Northern District of Illinois in Chicago is ground zero for Schedule A lawsuits.
- The large number of Schedule A lawsuits in the Northern District reflects the extent of illicit trade online; but the assembly line-like manner in which these cases progress may come at the cost of due process, fairness, and other vital aspects of civil procedure.
- Several Northern District judges are beginning to push back on plaintiffs bringing Schedule A lawsuits, suggesting the power dynamic is shifting at least slightly in favor of defendants.

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AT THE CORE OF SCHEDULE A IS A TENSION BETWEEN STREAMLINING THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS AND ABIDING BY THE FEDERAL RULES OF CIVIL PROCEDURE AND DUE PROCESS. BALANCING THESE INTERESTS HAS PROVEN ELUSIVE.

equally important to consider the seller's side. Marketplaces like Amazon, eBay, and Alibaba let merchants of all sizes reach the world through a few clicks. Third-party platforms disrupted industries and leveled playing fields by allowing businesses to set up shop with minimal overhead or oversight. But this retail revolution has a dark side.

**The scourge of online piracy.** The anonymity, flexibility, and ease of e-commerce is fertile ground for operators who defy intellectual property laws. While most platforms forbid the sale of infringing goods, some purveyors risk the punishment of account termination and seized funds. They exploit marketplaces to sell discounted inferior goods and, in the process, purloin profits from branded products, damage their goodwill, and sow consumer confusion. While intellectual property theft is nothing new, online marketplaces unwittingly unleashed a more pernicious form—especially when the illegalities are launched from foreign shores. In nations with lax intellectual property enforcement, online stores can sprout up and vanish faster than they can be caught. Even when thwarted, pirates can pivot to alternative accounts or platforms to continue their illicit trade.

Buffeted by knockoffs, counterfeits, and copyright/trademark abuse, rightsowners needed swift retribution. Enter the Schedule A complaint. Far more efficient than a traditional complaint, it corrals vast numbers of infringers into one action and illustrates the immense scale of intellectual property theft. Before examining the mechanics of Schedule A, its underlying claims are summarized.

## Intellectual property causes of action

An infringement claim—Schedule A or otherwise—arises when one manufactures, sells, or offers to sell a product that violates another's intellectual property rights. Such infringement includes:

**Trademark infringement.** Using a brand's name, logo, or other identifying mark without permission.

**Copyright infringement.** Selling products that copy another's creative work without authorization. This includes items like books, movies, or artwork.

**False designation of origin.** Making a misleading claim about the origin of a product or service in violation of the Lanham Act.

**Patent infringement.** Using a patented invention without the rightsholder's consent.

**Design infringement.** Selling products that copy the unique design of another's product. This includes clothes, furniture, or items with distinctive designs.

**Trade dress infringement.** Copying the overall look and feel of a product or its packaging, causing confusion about the product's origin.

Most Schedule A cases target trademark and copyright infringement. The typical causes of action include trademark/copyright infringement and counterfeiting,[5] false designation of origin,[6] and a state law claim for violation of the Illinois Uniform Deceptive Trade Practices Act.[7]

## Initial stages of a Schedule A suit

While strategies vary among plaintiffs, the catalyst for many Schedule A cases is a test purchase of the purportedly infringing item by a Chicago-based attorney, who then vests the Northern District with jurisdiction. The opening salvo in this often-one-sided battle then follows: Plaintiffs file a sealed complaint with the schedule enumerating the defendants as its first exhibit. Plaintiffs use pseudonyms to cloak the identities of the defendants and sometimes themselves. The caption lists the defendants as "The Individuals, Corporations, LLCs, Partnerships and Unincorporated Associations Identified on Schedule A," or a similar variation. The number of defendants per case usually ranges from 25 to as high as 400. Suing that many stores individually would be cumbersome, if not impossible. Schedule A lawsuits thus lack allegations particularized to individual defendants. Nor do they link the source of the harm to a specific defendant's conduct, enabling complaints to be recycled. This one-size-fits-all approach is used despite defendants differing in size, business model, and scope of infringement. And while unauthorized sellers are undoubtedly caught, casting such a wide net also can ensnare legitimate ones.

The complaints yield a more-tangible gain for plaintiffs. Like bulk buying, bulk filing offers significant cost savings. Cramming hundreds of defendants into a single case reduces a plaintiff's filing fees.[8] Northern District Judge Marvin Aspen observes this method benefits plaintiffs "at the Court's expense, meaning the taxpayers ultimately miss out."[9] Goldman confirms that when the thousands of Schedule A cases are considered, courts have missed out on an estimated $500 million in fees.[10]

5. 15 U.S.C. § 1114.
6. 15 U.S.C. § 1125(A).
7. 815 ILCS § 510/1 *et seq*.
8. See, *e.g.*, *H-D U.S.A. v. Partnerships & Unincorporated Ass'ns Identified on Schedule "A"*, No. 21-cv-01041, 2021 WL 780486, at *3 (N.D. Ill. Mar. 1, 2021); *Art Ask Agency v. Individuals, Corps., Ltd. Liability Cos., Partnerships, & Unincorporated Ass'ns Identified on Schedule "A"*, No. 21-cv-06197, 2021 WL 5493226, at *3 (N.D. Ill. Nov. 23, 2021) ("[J]oinder in this case may yield significant financial benefits to Art Ask Agency at the judiciary's expense[.]").
9. *H-DU.S.A.*, No. 21-cv-01041, 2021 WL 780486, at *3; *NFL Properties LLC v. Schedule A*, No. 21-cv-05522, 2021 WL 4963600, at *3 (N.D. Ill. Oct. 26, 2021) ("[C]ases naming numerous unrelated defendants are burdensome on the courts.").
10. Goldman, *supra* note 2, at 194-195.

## Creating personal jurisdiction

Along with the logistical convenience for plaintiffs' counsel, the Northern District's receptivity to anonymous parties and mass joinder has fueled its most-favored venue status. But with no Illinois entities involved, plaintiffs need a jurisdictional hook. An online storefront lacking sales in a forum will not establish jurisdiction. Hence the need for Chicago-based counsel to make a test purchase. But is that single sale substantial enough to implicate the State of Illinois?

A law school staple, the age-old question of where a defendant can be sued still vexes bench and bar alike. Schedule A is the latest flashpoint. Personal jurisdiction concerns a court's authority to exercise judgment over a specific defendant.[11] The power to entertain suits against out-of-state defendants is restricted by the 14th Amendment's Due Process Clause. Such limits are often supplanted by states' long-arm statutes, which further extend the reach of those state courts.[12] Illinois is no different. The Illinois long-arm statute empowers a court to exercise jurisdiction on any other basis permitted by the Illinois and U.S. constitutions.[13]

Schedule A plaintiffs invoke specific personal jurisdiction over sellers. Such jurisdiction requires a defendant to maintain "minimum contacts" with the forum state.[14] Minimum contacts exist where:

1) the defendant directed its activities at the forum state or availed itself of the privilege of conducting business there;
2) the injury arose out of the defendant's forum-related activities; and
3) traditional notions of fair play and substantial justice are not offended.[15]

Due process protects a nonresident defendant from litigating in a foreign forum by dint of "random, fortuitous, or attenuated contacts."[16] Ultimately, the defendant's "suit-related conduct" must create a substantial connection with the forum state.[17]

Schedule A defendants argue that litigating in Illinois does not serve the interstate judicial system's interest in obtaining the most efficient resolution. They have a point. Out-of-state (and often out-of-country) plaintiffs are suing out-of-country defendants. The accused infringement stems from witnesses with no Illinois ties and records of a company located on foreign shores. Illinois' only connection is typically one sale arranged by a Chicago lawyer to establish jurisdiction. Stated differently, no Illinois residents are theoretically harmed until a lawyer makes a purchase, or (as some judges find) merely attempts to. In fact, the Schedule A deluge congesting the Northern District could impact Illinois residents more than one contrived buy.

Critics assert that exercising jurisdiction in such situations offends traditional notions of fair play and substantial justice. It also promotes forum shopping. But the U.S. Court of Appeals for the Seventh Circuit disagrees. It considered whether personal jurisdiction can rest on counsel's single test purchase in *NBA Properties, Inc. v. HANWJH*.[18] The Seventh Circuit found it could, reasoning that an infringing item was shipped to Illinois, and the listing for sale and shipping caused a likelihood of confusion for Illinois residents.[19] With the Seventh Circuit's blessing, plaintiffs can thus stay nestled in the Northern District.[20]

## You've been served

Filing a Schedule A suit in the Northern District pays almost immediate dividends given the court's approach to service of process. Proper service is a fundamental procedural protection for defendants. Failing to secure service deprives a court of personal jurisdiction over a defendant.[21] But Schedule A plaintiffs are not so constrained. Given the difficulty of identifying and linking foreign entities to physical addresses, plaintiffs move to serve the complaint and subsequent filings via email or website.[22] Northern District judges approve, citing Federal Rule of Civil Procedure (FRCP) 4(f)(3), which authorizes service of process in a manner consistent with federal treaties.[23] In turn, the governing international agreement—the Hague Convention—allows for service on foreign defendants.[24] Article 10 of the Hague Convention permits service "by postal

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11. Alan M. Trammer & Derek E. Bambauer, *Personal Jurisdiction and the "Interwebs,"* 100 Cornell L. Rev. 1129, 1152 (2015).
12. See Lawrence B. Solum & Max Crema, *Originalism and Personal Jurisdiction: Several Questions and a Few Answers*, 73 Ala. L. Rev. 483, 528-531 (2022).
13. 735 ILCS 5/2- 209(c).
14. *be2 LLC v. Ivanov*, 642 F.3d 555, 558 (7th Cir. 2011).
15. *Rogers v. City of Hobart, Indiana*, 996 F.3d 812, 819 (7th Cir. 2021).
16. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985).
17. *Walden v. Fiore*, 571 U.S. 277, 284 (2014).
18. *NBA Properties, Inc. v. HANWJH*, 46 F.4th 614 (7th Cir. 2022).
19. *Id.* at 625.
20. Lauraann Wood, *Northern Ill. A Surprise Magnet for Counterfeiting Suits*, Law360 (Jan. 24, 2023), law.isba.org/49yssnf (discussing how the popularity of counterfeit suits within certain jurisdictions may be a result of favorable personal jurisdiction caselaw).
21. *Mississippi Publishing Corp. v. Murphree*, 326 U.S. 438, 444-445 (1946).
22. *Advanced Access Content v. Shen,* No. 14-cv-1112, 2018 WL 4757939 (S.D.N.Y. Sept. 30, 2018).
23. Fed. R. Civ. P. 4(f)(3); *Smart Study Co. v. Acuteye-US*, 620 F. Supp. 3d 1382, 1394 (S.D.N.Y. 2022).
24. *Hangzhou Chic Intelligent Technology Co. v. Partnerships & Unincorporated Ass'ns Identified on Schedule A*, No. 20-cv-4806, 2021 WL 1222783, at *3 (N.D. Ill. Apr. 1, 2021).

channels" if the state of destination does not object.

However, China objects.[25] Further, a March 30, 2023, communique from the Chinese Ministry of Justice proclaims that "a foreign judicial body or individual cannot directly serve documents to a person within China. Such requests should be submitted through the channels specified by treaties or through diplomatic channels …."[26] This prompted Northern District Judge Joan Gottschall to find that since "China's objections … preclude email service," Schedule A Chinese defendants could not be electronically served.[27] New York district courts concur: "service via email and online publication is prohibited by [the Hague Convention] and is impermissible under Rule 4(f)(3)."[28]

The service issue ultimately hinges on whether a defendant's physical address is known. Article 1 of the Hague Convention provides the Convention "shall not apply" where the recipient's address is unknown.[29] Northern District Judge Thomas Durkin granted email service under Rule 4(f)(3) after recognizing the Hague Convention is inapplicable if a defendant's mailing address is unknown and the plaintiff diligently tried to verify it.[30] This is the majority view. But gauging a plaintiff's diligence is difficult given the number and diversity of Schedule A defendants. A further nuance is added when American-based sellers are occasionally caught in the Schedule A snare. Such defendants must be served under Rule 4(e), which requires personal service, or service to an adult at the individual's dwelling or an authorized agent.[31]

Caselaw and treaties aside, electronic service is dubious from a real-world perspective. Email servers can banish such messages to spam folders. Foreign-based nonlawyers can miss the notifications or dismiss them as phishing ploys. Further complicating notice, some defendants are described by pseudonyms or their online aliases. Regardless, electronic service has become a Schedule A mainstay, necessary for its efficiency, and most importantly the law in the Northern District.

## Injunctive relief: measured or overkill?

Equally integral to Schedule A's seamlessness is injunctive relief. Schedule A's sealed, *ex parte* arrangement bestows plaintiffs as the information gatekeepers when seeking a TRO. Plaintiffs convey to courts that the China-based defendants use complex financial structures to disguise asset transfers and corporate identities. Moreover, allowing foreign infringers to move funds during litigation would prejudice rightsholders and stymie the regulatory scheme protecting both intellectual property rights and consumers. Given this portrayal, courts inevitably grant a TRO that freezes defendants' third-party platform accounts in their entirety regardless of the funds' origins. A month later, the otherwise "drastic" and "extraordinary" relief of a permanent injunction is invariably approved.[32]

Meanwhile, the clock ticks on expedited discovery. Central to the injunctive relief package is a 14-day deadline for defendants to answer interrogatories, requests for documents, and requests for admissions. This breakneck pace aside, such discovery—transcending continents, legal systems, and languages—can be intrusive and laborious. Plaintiffs demand data for all store accounts, including the payment methods and sales history for each product, not just those allegedly infringing. This can be daunting for storefronts listing hundreds or thousands of products.

Once injunctive relief is entered, third-party platforms are instructed to freeze the sellers' accounts and remove the illegal listings. The platforms obey, and defendants cannot access their funds. Often the first time a defendant learns it has been sued and a TRO issued is when it sees its account has been frozen. Defendants are also blocked from selling any products, not just those allegedly infringing. Thus, through the vise of injunctive relief, a defendant that made one sale to counsel for $5 can face the upheaval of hundreds of thousands of dollars frozen and an indefinitely shuttered store. Courts are beginning to balk at this disparity. Northern District Judge Sara Ellis noted that "where it can be shown that certain assets [are] not the proceeds of counterfeiting," those assets should not be frozen.[33]

Judge John Kness went even further. In June 2025, he took the unusual step of staying all newly-filed Schedule A cases in his docket.[34] He did so to assess whether *ex parte* proceedings, sealing judicial documents, and prejudgment asset freezing violated the FRCP and due process. Those results were memorialized two months later in *Eicher Motors Ltd. v. P'ships & Unincorporated Ass'ns Identified on Schedule "A."*[35] There, the Northern District denied the plaintiff's *ex parte* TRO and prejudgment asset restraint. But the incisive criticism of Schedule A is the ruling's likely legacy. Deeming his review of Schedule A "not flattering,"

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25. See *Hague Convention on the Service Abroad*, U.S. Marshals Service, law.isba.org/4a3eA4r (last visited Feb. 1, 2025).
26. The Ministry of Justice of the People's Republic of China Frequently Asked Questions on International Civil and Commercial Judicial Assistance (Mar. 30, 2023) (China), *ADIDAS AG v. The Individuals, Business Entities, and Unincorporated Ass'ns on Schedule A*, No. 23-cv-62185, ECF 40, Exhibit A (S.D. Fla. Nov. 13, 2024), law.isba.org/4iBqs2B.
27. *Luxottica Group S.p.A. v. Partnerships & Unincorporated Ass'ns Identified on Schedule "A"*, 391 F. Supp. 3d 816 (N.D. Ill. 2019); see also *Kyjen Co., LLC v. Individuals*, No. 23-cv-612, 2023 WL 1345781, at *6-7 (S.D.N.Y. Jan. 31, 2023) ("[S]ervice via email and online publication is 'prohibited by [the Hague Convention] and is impermissible under Rule 4(f)(3).'").
28. *Kyjen Co., LLC*, 2023 WL 1345781, at *6-7; *Schluter Systems, L.P. v. Sanven Corp.*, No. 22-cv-155, 2023 WL 130888, at *19 (N.D.N.Y. Jan. 6, 2023) ("[T]he Hague Convention does not permit service by email on Chinese Foreign Nationals, email service is barred by Rule 4(f)(4) because it is 'prohibited by international agreement.'").
29. *Klauber Bros., Inc. v. Partnerships & Unincorporated Ass'ns Identified in Schedule "A"*, No. 23-cv-10407, 2024 WL 182209, at *3 (N.D. Ill. Jan. 17, 2024).
30. *Id.* at *2.
31. Fed. R. Civ. P. 4(e).
32. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (*per curiam*).
33. *Roadget Business Pte. Ltd. v. Individuals, Corps., Ltd. Liability Cos.*, No. 24-cv-115, 2024 WL 2763735, at *1 (N.D. Ill. May 30, 2024).
34. Ivan Moreno, *Chicago Judge Signals Shift in Handling Counterfeit Cases*, Law360 (Aug. 11, 2025), law.isba.org/3Xpzq6N.
35. *Eicher Motors Ltd. v. Partnerships & Unincorporated Ass'ns Identified on Schedule "A,"* 2025 WL 2299593, at *13. (N.D. Ill. Aug. 8, 2025).

Judge Kness found it "all but impossible" to gauge the likelihood of success with a "one-sided record," particularly on issues like counterfeiting.[36] Further, rapid asset freezes and secret TROs create a coercive settlement milieu wholly unfair to defendants. Upon dismantling the central planks of the Schedule A edifice, the court concluded, "the Schedule A mechanism should no longer be perpetuated in its present form."[37] For now, *Eicher Motors* remains an outlier, but if its reasoning resonates, Schedule A suits will require more particularized proofs and more equitable remedies.

This is a welcome and overdue development for defendants. Cutting a company's lifeline hinders its ability to pay vendors and employees, not to mention lawyers. Defendants thus confront a Hobson's choice: Devote resources to the uncertainty of litigating and unfreezing their accounts on the merits or stop the suffocating asset freeze by paying the plaintiff to revive their business. Most understandably choose the latter. Defendants who can endure the injunctive stranglehold and litigate have an uphill battle. Counterfeiters and infringers carry a stigma. Courts are also sympathetic to rightsowners seeking to stop the siphoning of revenues. But while the optics favor plaintiffs, it is unclear whether the drastic nature of injunctive relief is the right recourse.

Ultimately, injunctive relief is a forward-looking remedy in which plaintiffs must show future harm. FRCP 65(b) requires a movant to demonstrate that "irreparable injury" looms.[38] Monetary damages do not suffice.[39] Nor do past infringing sales as they can be remedied by statutory damages provisions. What's more, plaintiffs freeze the defendants' accounts to satisfy a potential monetary judgment, which negates the basis for equitable relief. Still, it is an article of faith that injunctive relief is needed due to foreign infringers' proclivity to flee the clutches of an American court. But defendants are debunking that narrative by retaining counsel, engaging in motion practice, and neutralizing the power imbalance. And as shown by Judges Ellis and Kness, deploying a less onerous form of injunctive relief may be a fairer, if not reasonable, solution. It would also ensure cases are not prematurely resolved at the injunction stage—especially critical when a plaintiff's claims are not legally or procedurally sound. Although litigating on the merits is difficult, time consuming, and by no means without error, it may be the only prudent alternative to the rushed disposition of Schedule A.

## Symphony or cacophony?

The final procedural safeguard implicated by Schedule A is joinder. Essential to the Schedule A ecosystem, the ability to join hundreds of defendants enables rightsowners to cost-effectively fight infringement. Whether it complies with FRCP 20 is another matter. A plaintiff may combine defendants under Rule 20 if: 1) any right to relief is asserted against them jointly, severally, or arising out of the same transaction or series of transactions; and 2) any question of law or fact common to all defendants will arise in the action.[40] Misjoinder is remedied by severance or dismissal without prejudice.[41]

Schedule A plaintiffs aver that defendants work together by selling infringing items on the same platform. In other words, one defendant's infringement arises out of the same transaction as another defendant's. However, it appears that the hundreds of defendants in a case rarely, if ever, interact. The absence of evidentiary overlap between the defendants thus undermines joinder.[42] Lumping hundreds of disparate defendants in a single action also tests the limits of due process. By denying joinder and severing the defendants, each litigant can develop its own strategies, evidence, and defenses, as well as avoid the risk of guilt by association.

Although not consistently pursued by defendants, if the arguments for misjoinder gain traction, the Schedule A model could be on borrowed time. A January 2025 ruling from recently minted Northern District Judge April Perry exemplifies this point. Addressing an *ex parte* TRO motion, Judge Perry, *sua sponte*, rejected the joinder of 13 storefronts.[43] The plaintiff could not satisfy Rule 20 by summarily alleging that sellers on the same online platform infringed the same trademark.[44] Judge Perry is not alone. A slew of Northern District judges, often unprompted, are challenging joinder.[45] Also noteworthy is Judge Perry's observation that "[o]f the first twenty newly-filed … cases this Judge received upon being appointed to the bench, seven were Schedule A cases."[46] Schedule A fatigue may be setting in.

## Conclusion

A robust defense of intellectual property rights protects consumers and rightsholders alike. In expediently holding infringers and counterfeiters accountable, Schedule A is at the vanguard of this defense. But it is the means to that end

36. *Id.*
37. *Id.*
38. Fed. R. Civ. P. 65(b)(1)(B); *Granny Goose Foods v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda County*, 415 U.S. 423, 439 (1974).
39. *Sampson v. Murray*, 415 U.S. 61, 90 (1974).
40. Fed. R. Civ. P. 20(a)(2).
41. *UWM Student Ass'n v. Lovell*, 888 F.3d 854, 863 (7th Cir. 2018).
42. *Bailie v. Schedule A*, 734 F. Supp. 3d 798, 804-805 (N.D. Ill. 2024).
43. *Zaful (Hong Kong) Ltd. v. The Individuals, Corps., Ltd. Liability Cos., Partnerships, and Unincorporated Ass'ns Identified on Schedule A*, No. 24-cv-11111, 2025 WL 71797, at *6 (N.D. Ill. Jan. 10, 2025).
44. *Id.*
45. See, *e.g.*, *TV Tokyo Corp. v. The Individuals, Corps., Ltd. Liability Cos., Partnerships, and Unincorporated Ass'ns Identified on Schedule A Hereto*, No. 24-cv-4438 (N.D. Ill. June 13, 2024) (Alexakis, J.); *Odesza LLC v. The Partnerships and Unincorporated Ass'ns Identified on Schedule A,* No. 24-cv-1301 (N.D. Ill. Feb. 16, 2024) (Aspen, J.); *Jun Fang v. The Partnerships and Unincorporated Ass'ns Identified on Schedule "A",* No. 24-cv-0207 (N.D. Ill. Jan. 10, 2024) (Bucklo, J.); *Bailie v. The Partnerships and Unincorporated Ass'ns Identified on Schedule A,* No. 24-cv-6456 (N.D. Ill. July 31, 2024) (Chang, J.); *SK, LLC v. Partnerships and Unincorporated Ass'ns Identified on Schedule A,* No. 24-cv-2200 (N.D. Ill. Apr. 2, 2024) (Coleman, J.); *Rinne Corp. v. Partnerships and Unincorporated Ass'ns Identified on Schedule A,* No. 23-cv-16232 (N.D. Ill. Dec. 5, 2024) (Cummings, J.); *Brunett & Esnard IP, LLC v. The Partnerships and Unincorporated Ass'ns Identified in Schedule A,* No. 24-cv-1137 (N.D. Ill. July 24, 2024) (Gettleman, J.); *Marshall Amplification PLC v. The Partnerships and Unincorporated Ass'ns Identified on Schedule A,* No. 24-cv-2767 (N.D. Ill. Apr. 11, 2024) (Harjani, J.).
46. *Zaful*, 2025 WL 71797, at *6.

in which Schedule A criticism is rooted. Defendants claim this model tries them *in absentia*, holds their accounts hostage, and buries valid defenses in the quicksand of injunctive relief. Still, a middle ground can exist. A method that slows the expedited discovery, narrows the asset freeze to the revenues of the allegedly infringing items, and limits the number of defendants per case to 25 could better align with civil-procedure and due-process standards. Ultimately, Schedule A plaintiffs take a practical, efficient approach to navigating established procedural safeguards. Whether they stray too far is a question that will continue to persist in the Northern District. Its answer will determine whether 2026 is Schedule A's year of reckoning. IBJ