

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABRAHAM SZOMOR,

Plaintiff,

v.

WANGDEPENGBM2, *et al.*,

Defendants.

Civil Action No. 25-cv-1406

Judge Hardy

**PLAINTIFF’S RESPONSE IN OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS FOR MISJOINDER**

Abraham Szomor (“Szomor”) filed a complaint in this action asserting a claim for copyright infringement naming 200 defendants. One Hundred and Fifty of the defendants have not yet appeared to defend the claims against them, the Clerk has entered default against those defendants, and there is a pending motion for entry of default judgment.

Attorney Zhang has now filed a motion on behalf of a group of the defendants (the “Moving Defendants”) asking the Court to dismiss the complaint based on their contention that joinder of them was not authorized by Rule 20 of the Federal Rules of Civil Procedure (*see* ECF No. 42) (the “Motion”). The Moving Defendants have failed to support their Motion either legally or factually. Legally, Rule 21 explicitly instructs that dismissal is not a proper remedy for misjoinder. Factually, the premise of the Motion is the Moving Defendants’ assertion that they are completely unrelated companies acting independently and without any coordination. The only evidentiary support they offer for this assertion is their Rule 7.1 disclosure, which purports to identify different owners for each of the Moving Defendants. However, the evidence flatly contradicts the Rule 7.1 disclosure and demonstrates that, in fact, the Moving Defendants share

common ownership and are engaged in a coordinated effort to infringe Szomor's rights and avoid liability for their unlawful conduct. Accordingly, Szomor respectfully requests that the Court deny the Motion.

A. Szomor Properly Joined the Moving Defendants Because they Share Common Ownership and Have Coordinated their Actions.

1. The Standard for Joinder Under Rule 20.

Joinder under Rule 20 is meant to “promote trial convenience and expedite the final determination of disputes, thereby preventing multiple lawsuits.” *Trinity Indus., Inc. v. Greenlease Holding Co.*, No. CIV.A. 2:08-1498, 2015 WL 1608618, at *2 (W.D. Pa. Apr. 10, 2015); *see also Elmore v. Henderson*, 227 F.3d 1009, 1012 (7th Cir. 2000) (noting that Rule 20 is a procedural “device centrally concerned with the economies of aggregating small claims” meant to “enable economies in litigation.”). Rule 20, thus, is to be “construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1; *see also Hagan v. Rogers*, 570 F.3d 146, 153 (3d Cir. 2009) (citing *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966)) (“For courts applying Rule 20 and related rules ‘the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties[,] and remedies is strongly encouraged.’”); *In re EMC Corp.*, 677 F.3d 1351, 1358 (Fed. Cir. 2012).

Under Rule 20(a)(2), multiple defendants may be joined in a single action if: (1) the claims arise out of the same transaction, occurrence, or series of transactions or occurrences; and (2) there is at least one question of law or fact common to all defendants. Fed. R. Civ. P. 20(a)(2). In assessing whether the requirements of Rule 20(a)(2) are met, courts assume all factual allegations in the complaint to be true and draw all inferences from those facts in the light most favorable to the plaintiff. *Sanders v. Rose*, 576 F. App'x 91, 95 (3d Cir. 2014); *Doggie Dental*,

Inc. v. Cdoffice, No. 2:21-CV-00271, 2021 WL 5411432, at *5 (W.D. Pa. Sept. 7, 2021). The key considerations for permitting joinder are whether the claims are logically related and whether joinder will advance the just, speedy, and inexpensive resolution of the matter. *Doggie Dental, Inc.*, 2021 WL 5411432, at *3 (citing *Transamerica Occidental Life Ins. Co. v. Aviation Off. of Am., Inc.*, 292 F.3d 384, 390 (3d Cir. 2002) (noting that “the Third Circuit held that the covered events must bear a ‘logical relationship to one another’ and feature ‘the same factual issues [or] same factual and legal issues.’”)).

In the event that a defendant successfully demonstrates that a complaint fails to comply with Rule 20, Rule 21 specifies that the remedy is to sever the improperly joined parties. The primary remedy that the Moving Defendants seek – dismissal of the complaint – is expressly forbidden by Rule 21. *See* Fed. R. Civ. P. 21 (“Misjoinder of parties is not a ground for dismissing an action.”).

2. The Moving Defendants Offer No Competent Evidence of Separate Ownership – Only Unverified Disclosure Statements from Attorney Zhang Who Has a Track Record of Filing Inaccurate Disclosures

At its core, the Moving Defendants’ argument boils down to their bald assertion that each defendant is separate from any other defendant and there is no inter-relationship or coordination among them. (ECF No. 42 at 4.) The sole evidentiary support that the Moving Defendants provide for this contention is the Rule 7.1 disclosure statements signed by Attorney Zhang on behalf of each of the Moving Defendants. (ECF No. 42-2.) The Moving Defendants failed to attach to their Motion any corporate ownership records, declarations from the Moving Defendants themselves, or other evidence that substantiates their purported independent ownership and operation.

The evidence that Szomor has gathered casts serious doubt about the accuracy of Attorney Zhang’s disclosure statement and the assertions in the Motion. In fact, the evidence that

Szomor has gathered revealed a history of inconsistent and unreliable corporate disclosure statements filed by Attorney Zhang on behalf of defendants seeking dismissal through misjoinder, casting serious doubt about the accuracy of the Rule 7.1 disclosure statements Attorney Zhang signed for the Moving Defendants.

For instance, among other inconsistent disclosures, the disclosure statement states for Def. No. 56 (OK poster) “Zhengfeng Department Store (Individual Business) in Qinhan New City, Xixian New Area is the parent entity and owns 100% of OK poster.” (ECF No. 42-2 at ¶ 4.) Yet, the name of the owner of the OK Poster store displayed on Temu is “Xixianxinquqinhanxinchengzhengfengjibaihuodian (getigongshanghu).” (**Exhibit 1** at 15.)

In fact, this case is not the only one in which Attorney Zhang has filed unreliable disclosure statements. For example, in *Elaine Kay Maier v. The Partnerships and Unincorporated Associations Identified on Schedule A*, No. 25-cv-7534 (N.D. Ill. July 3, 2025), Attorney Zhang signed and filed a disclosure statement stating that “Guangzhouzaoqishangmaoshangxing(gerenduzi) is the parent entity and owns 100% of the stock of NB Poster,” a defendant in the action. (*Id.*, ECF No. 44 at ¶ 2.) Yet earlier in that same case, the record contained a declaration signed by the general manager of Fu Zhou Hai Yi Tong E-commerce Co., Ltd. (“Fu Zhou”), which states that Fu Zhou actually owns and operates the NB Poster Temu store, directly contradicting Attorney Zhang’s representation to the court. (*Id.*, ECF No. 41, page 1 at ¶ 3.)

Susan Florence Comish v. The Partnerships and Unincorporated Associations Identified on Schedule A, No. 25-cv-6997 (N.D. Ill. June 24, 2025), is another case in which Attorney Zhang’s disclosure statement is directly contradicted by the party’s declaration. There, Attorney Zhang signed and filed a disclosure statement stating that “HANGLE SU is the parent entity and

owns 100% of the stock of Artful Livin Wall Wonders Aesthetic Haven.” (*Id.*, ECF No. 38 at ¶ 4.) The declaration by the CFO and director of Fu Zhou, however, states that Fu Zhou actually owns and operates the Artful Livin Wall Wonders Aesthetic Haven Temu store, again directly contradicting Attorney Zhang’s representation to the court. (*Id.*, ECF No. 36, page 21 at ¶ 3.)

Angela Isable Porter v. The Partnerships and Unincorporated Associations Identified on Schedule A, No. 25-cv-8071 (N.D. Ill. July 16, 2025), is yet a third case in which Attorney Zhang’s disclosure statement is directly contradicted by the party’s declaration. There, Attorney Zhang signed and filed a disclosure statement stating that “Shamenguangxingjinchukou Co., Ltd. is the parent corporation and owns 100% of BJHG Mall.” (*Id.*, ECF No. 49 at ¶ 10.) Yet, the declaration by the CFO and director of Fu Zhou states that Fu Zhou actually owns and operates the BJHG Mall Temu store, again directly contradicting Attorney Zhang’s representation to the court. (*Id.*, ECF No. 47-1, page 11 at ¶ 3.)

Finally, in *Parson v. Sixinone*, No. 25-cv-1436 (W.D. Pa. Sept. 22, 2025), Attorney Zhang filed a motion to vacate the defaults on behalf of all 399 defendants and for an extension of time to answer. After the Court vacated the defaults, Attorney Zhang withdrew from representing the majority of the defendants and continued to represent only 76 defendants. Despite filing the motion on behalf of all defendants, however, evidence submitted in that action demonstrates that Attorney Zhang never represented all of the defendants—the record contains declarations from some of the defendants who stated that they never hired Attorney Zhang, never spoke with Attorney Zhang, never permitted Attorney Zhang to act for their business in any way, and in fact were represented by an entirely different attorney. (*Id.*, ECF No. 60-1.) Furthermore, in the motion to vacate, Attorney Zhang represented to the Court that all 399 defendants “have potentially meritorious defenses” and “intend to assert non-frivolous defenses” and requested

that the Court allow all the defendants “to litigate on the merits” (*Id.*, ECF No. 48 at 3.) Other than the 76 defendants Attorney Zhang continued to represent, however, not one of the 399 defendants Attorney Zhang claimed to represent appeared or asserted any defense to the claims against it, belying Attorney Zhang’s contentions.

Given Attorney Zhang’s pattern of misrepresentation in Schedule A cases, including the ownership and operation of the defendants, Szomor respectfully submits that this Court should not rely on the statements in the disclosure statements signed by Attorney Zhang in making a joinder decision. Because the only support that the Moving Defendants offer for the Motion is Attorney Zhang’s disclosure statement, Szomor submits that the Moving Defendants have failed to establish any ground for their Motion.

3. Szomor’s Investigation Shows that the Moving Defendants are Under Common Control and are Coordinating their Actions, Consistent with the Allegations of the Complaint.

Not only is the support the Moving Defendants offered for their Motion suspect, Szomor has also located court filings from other online infringement lawsuits establishing that many of the Moving Defendants are affiliates or subsidiaries of, or are controlled by, the same parent company, Fu Zhou. Notably, at least 24 allegedly independent Moving Defendants have ties to Fu Zhou, which is known to operate under at least 50 additional company names. See Exhibit 2 (Summary of Moving Defendant and Fu Zhou Companies) and Declaration of Stanley D. Ference III submitted herewith.

Pages 2–10 of Exhibit 2 break down the Moving Defendants into two distinct groups: (1) Moving Defendants who have been identified as belonging to or affiliated with Fu Zhou in previous lawsuits (highlighted in yellow, with footnotes identifying the relationship); and (2) Moving Defendants who have been in the same defense group with entities affiliated with Fu Zhou in previous lawsuits (in light red, with footnotes explaining the connection). Any Moving

Defendant without a highlight is, at a minimum, coordinating its defense efforts in this case, and, in light of Fu Zhou's admission (discussed below) that it generally establishes a separate legal entity for each of its Temu stores, discovery is likely to uncover further evidence of interrelatedness.

Group 1 Defendants

The Group 1 Moving Defendants are those defendants for whom Szomor has been able to find documentary evidence identifying these defendants as affiliates or subsidiaries of, or controlled by, the same parent company – Fu Zhou. These defendants are Def. Nos. 48 (Art that touches the heart), 56 (OK poster), 72 (one apple poster), 73 (Blooming means blooming), 74 (Renaissance Rewind), 76 (Very beautiful poster), 78 (Canvas Classic Art), 100 (Three posters), 103 (apple poster), 104 (Wonderful Poster Showcase), 110 (Artful Decor Vision), 112 (Artful Livin Wall Wonders Aesthetic Haven), 114 (Holiday decoration posters), 115 (Decorative Painting Superman), 118 (Life is so wonderful), 120 (Canvas Classics), 123 (Art of living poster design), 127 (Beautiful poster painting), 128 (NB poster), 142 (TALENTEDES), 144 (GRAPESSS), 188 (SKYSSS), 157 (Fantastic Wall Decoration), 168 (Sungharbor Home), and 177 (Beautiful poster style).

Although the situation is similar for all or many of the Moving Defendants, as confirmed in Exhibit 2, Szomor provides the following details for one of the Moving Defendants to illustrate the interconnectedness among the Moving Defendants (and among the defendants generally in many of the Schedule A cases), despite their protests of separateness. The third Moving Defendant highlighted in yellow is one apple poster (Def. No. 72, having a seller ID of 634418219654011 as set forth in Schedule "A" to the Complaint). The disclosure statement for one apple poster signed by Attorney Zhang in the present case states that: "Zhengyaoyi

Department Store (Individual Business) in Qinhan New City, Xixian New Area is the parent entity and owns 100% of one apple poster.” (See 42-2, ¶ 6.) Yet, in *Friend v. The Partnerships and Unincorporated Associations Identified on Schedule “A,”* No. 25-cv-4313 (N.D. Ill. April 21, 2025), the general manager of Fu Zhou submitted a declaration stating: “I supervise a team with 19 seller accounts on Temu.com, with the following names and IDs: ... one apple poster (634418219654011) ...” (*Id.*, ECF No. 43-2 at ¶ 3.) Notably, the seller ID for the “one apple poster” store in the present lawsuit matches the seller ID in the *Friend* lawsuit. Accordingly, there is virtually no doubt that Defendant No. 72 (one apple poster), like the rest of the Group 1 Moving Defendants, is not an independent entity as Attorney Zhang and the Moving Defendants represent to the Court, and instead is one of the many Moving Defendants owned and operated by Fu Zhou.

Additionally, record evidence suggests that this pattern of “separate” entities proliferating infringing storefronts is neither happenstance nor unique to Fu Zhou and the parties named in *Friend*. In *Susan Florence Comish v. The Partnerships and Unincorporated Associations Identified on Schedule “A,”* No. 25-cv-7049 (N.D. Ill. June 25, 2025), the CFO and director of Fu Zhou candidly admitted in a declaration that Fu Zhou deliberately establishes a separate entity for each online storefront the company owns and operates for tax reasons in China. (*Id.*, ECF No. 47-1, ¶ 7, “The reason we establish separate entities for different stores is primarily related to tax considerations in China.”). (**Exhibit 3.**) Thus, Chinese companies, like Fu Zhou, engaging in intellectual property infringement, are incentivized to operate through multiple storefronts, often assigning a separate legal entity to each store for tax advantages and to increase market visibility.

Group 2 Defendants

The Group 2 Moving Defendants are those defendants who have been in the same defense group with entities affiliated with Fu Zhou in previous lawsuits (highlighted in light red in Exhibit 2). These defendants are Def. Nos. 31 (Happyposter), 67 (Oil painting merchant), 77 (Magical paintings), 81 (poster draw), 82 (Wall Painting Art), 89 (Top selling oil painting), 136 (XHY Decorative paintings and posters), 148 (posters ONE), and 150 (Color Poster).

Although Szomor has not yet located documents from other litigation matters explicitly detailing the connection between the Group 2 Moving Defendants and Fu Zhou, given their previous participation in defense groups with Fu Zhou-related entities and the tax structure in China, it is entirely likely that many or all of these entities are under the control of Fu Zhou or another shared parent company. Indeed, included in Exhibit 2 (pgs. 11-20) is a listing of the 50 companies that Szomor has been able to identify as belonging to Fu Zhou. Thus, in light of Fu Zhou's admission that it establishes a separate entity for each of its online stores, it is extremely likely that there are additional Moving Defendants who are affiliates of or related to Fu Zhou.

Even without that direct evidence, the Group 2 Moving Defendants' conduct suggests extensive coordination, not independent action. It is no coincidence that several Group 1 and 2 Moving Defendants are also involved in and have engaged in the same lockstep defense strategy together across ten other infringement lawsuits, with near identical motions to dismiss for misjoinder filed in six of them within this District. *See* Exhibit 2, pages 21–66, for a list of those cases.

4. The Allegations in the Complaint, Taken as True at this Stage, Provide Further Support for Joinder.

In the Complaint, Szomor alleges that “Defendants have cooperated, communicated, shared information, and coordinated their efforts in order to create an infringing marketplace

operating in parallel to the legitimate marketplace of Plaintiff and third parties authorized to sell products embodying Plaintiff's copyrighted work." (*Complaint*, ECF No. 1, ¶ 5(d).) Szomor also alleges that his "investigation shows that the telltale signs of an illegal piracy ring" and that the "Defendant Merchant Storefronts share unique identifiers, such as design elements and similarities of the infringing products offered for sale, establishing a logical relationship between them and suggesting that Defendant's illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences." *Id.*, ¶¶ 12, 15, 18. The Complaint further alleges that "Defendants are an interrelated group of infringers working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Infringing Products." *Id.*, ¶ 27. Moreover, the Complaint alleges that Defendants use "aliases to avoid liability by going to great lengths to conceal both their identities as well as the full scope and interworking of their illegal piracy network." *See* ECF No. 1, ¶¶ 12, 15, 18.

As set forth above, in assessing whether the requirements of Rule 20(a)(2) are met, courts assume all factual allegations in the Complaint to be true and draw all inferences from those facts in the light most favorable to the plaintiff. *Sanders v. Rose*, 576 F. App'x 91, 95 (3d Cir. 2014); *Doggie Dental, Inc. v. Cdooffice*, No. 2:21-CV-00271, 2021 WL 5411432, at *5 (W.D. Pa. Sept. 7, 2021). Taking all of the allegations in the Complaint as true, therefore, Szomor has sufficiently alleged circumstances that allow joinder under Rule 20.

5. Judicial Efficiency Supports Denial of the Moving Defendants' Motion.

In addition to their demonstrably false argument that they are independent entities, the Moving Defendants ask the Court to exercise its discretion to disallow joinder based on their assertion that proceeding as a single action would "cause prejudice, expense, or delay." (Motion at 7–8.) They support this position with no evidence, just rhetoric.

In fact, the evidence in the record demonstrates that proceeding as one action would be fair to all parties, less expensive, and quicker. If Attorney Zhang is now being more candid with the Court than he was earlier, he represents all of the Moving Defendants. Thus, proceeding as a single action would allow the 50 Moving Defendants to share the legal fees of defending this action rather than each Moving Defendant having to pay for separate legal representation. The obvious cost savings of common representation show the Motion for what it truly is – a defense tactic seeking to increase the burden on Szomor, not an honest effort to avoid unnecessary cost.

The pretextual nature of the Motion is further demonstrated by the Moving Defendants' contention that allowing this action to proceed as a single action "deprives them of clear notice of the specific conduct at issue." (Motion at 8.) In fact, the record contains screenshot evidence for each defendant showing their infringement. (Exhibit to *Odell Declaration*, ECF. No. 7-1.) Thus, the Moving Defendants are fully apprised of their wrongful conduct in this single action, and their contention that they could only understand the claims against them if they were set out in a separate action is plainly a pretext.

Furthermore, the fact that 150 of the 200 original defendants have not joined in the Motion demonstrates that, overall, proceeding as a single action is efficient and effective. Some of these defendants have defaulted, and proceeding against them in one action rather than multiple actions has plainly been extremely efficient. Other defendants have entered into settlements – again resulting in significant efficiencies for the defendants, Szomor, and the Court. In short, there is nothing in the record besides the bald assertions of Attorney Zhang to suggest any prejudice or inefficiency caused by allowing this action to proceed as a single action.

In contrast, Szomor would be severely prejudiced if he were required to proceed through separate lawsuits. Even if Szomor files his lawsuits pro se to save on attorney's fees, with a filing

fee of \$405 per case, the filing fees for each of the 50 Moving Defendants alone would cost Szomor \$20,250. Szomor would then need to spend even more to post an injunctive bond in each case and to file the necessary motions to advance each case (e.g., motions for entry of temporary restraining orders, preliminary injunctions, default judgments, etc.). Such costs far exceed Szomor's limited resources as an independent artist and would effectively deprive Szomor of any remedy for the rampant infringement he faces. Further, the adoption of such procedural processes would significantly burden this District's docket and each Court's valuable time. Joinder at this stage will thus serve the important interests of convenience and judicial economy, leading to a just, speedy, and inexpensive resolution for Szomor, the Defendants, and this Court.

6. In the Alternative, Szomor Requests Leave to Take Discovery Regarding Common Ownership and Control.

Although Szomor submits that the record presently before the Court more than adequately undermines the credibility of the Moving Defendants' Rule 7.1 disclosure and demonstrates that the Moving Defendants share common ownership and coordinated efforts, warranting the unconditional denial of the Motion, Szomor alternatively requests leave of Court to engage in discovery directed to the ownership and control of the Moving Defendants.

CONCLUSION

Szomor respectfully requests that the Court deny the Moving Defendants' Motion based on their contention that joinder was not authorized by Rule 20 of the Federal Rules of Civil Procedure. The Moving Defendants have failed to support their Motion either legally or factually. Legally, Rule 21 explicitly instructs that dismissal is not a proper remedy for misjoinder. Factually, the only support the Moving Defendants offer for their motion, their Rule 7.1 disclosure asserting separate ownership of each Moving Defendant's store, is not credible

and does not overcome the evidence of common ownership and coordination Szomor has submitted, nor the allegations in Szomor's Complaint.

Respectfully submitted,

Dated: January 23, 2026

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