



New District of New Jersey Standing Order Requires Schedule A Plaintiffs to Bring Their “A Game”

Client Advisories

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Federal courts have seen a barrage of intellectual property infringement filings in what have become known as “Schedule A” cases. These cases are typically brought by plaintiffs seeking to enforce intellectual property rights against numerous defendants listed on an attached Schedule A filed under seal. Schedule A plaintiffs often file a simultaneous *ex parte* motion for a Temporary Restraining Order (“TRO”) to enjoin the sale of the allegedly infringing products and, if successful, serve the TRO on online marketplaces, who may then remove the products at issue and impose an asset freeze—all before a defendant knows it was sued.

Recognizing that these cases involve unique challenges, the District of New Jersey recently issued a new **Standing Order** to clarify the procedural guidelines and rules regarding Schedule A cases. Plaintiffs bringing Schedule A cases must pay close attention to the following, as failure to comply with any of the requirements of Standing Order 2025-04 constitutes good cause for dismissal:

Limits on Joinder. The Court will strictly enforce Rule 20, meaning a plaintiff may only name a single defendant or group of defendants acting under the same operator, and must pay a separate filing fee for each separate complaint. Each complaint must comport with the typical IP case, where an IP holder sues a particular infringer for specific conduct.

Required Personal Jurisdictional Showing. Plaintiffs must also demonstrate good reason to believe that the Court has personal jurisdiction over a defendant. A plaintiff must go beyond alleging the defendant is an online seller on Amazon (or the like) and shipped a product into New Jersey. Plaintiffs must allege each defendant’s contacts with the forum, and the Court will require a plaintiff to develop an appropriate evidentiary record confirming personal jurisdiction before granting default judgment.

Service. Plaintiffs should also not expect the Court to routinely grant requests for alternative forms of service. Foreign service requirements, such as those provided for under the Hague Convention, will apply, and litigants seeking to expedite the matter or save costs should email defendants waiver-of-service forms.

Ex Parte TROs. The Court will not routinely grant *ex parte* TROs, especially those based on conclusory statements, where there is reason to doubt personal jurisdiction over a defendant, or where the TRO seeks to freeze assets absent reason to believe that a defendant is transferring assets to avoid judgment. Nor will the Court routinely grant a motion to seal premised solely on the need for an *ex parte* TRO. Rather, plaintiffs must meet the typical high standard for motions to seal.

Required Declaration. Schedule A plaintiffs must file a declaration listing any pending cases brought by the plaintiff against any of the defendants named and identify the intellectual property at issue and the case status.

The high stakes and fast pace of intellectual property infringement cases make familiarity with the Court's Local Rules and applicable Standing Orders essential. We can help. If you have any questions, please contact **Maureen Coghlan** at 856-354-3034 or mcoghlan@archerlaw.com or **Amy Pearl** at 856-857-2790 or apearl@archerlaw.com.

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