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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 11-8512-GHK (MRWx)	<b>Date</b>	November 18, 2011
<b>Title</b>	<i>Celestial, Inc. v. Does 1 Through 10</i>		

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<b>Presiding: The Honorable</b>	<b>GEORGE H. KING, U.S. DISTRICT JUDGE</b>
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Beatrice Herrera	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
(none)	(none)

**Proceedings: Order to Comply with Fed. R. Civ. P. 4(m)**

On October 14, 2011, Plaintiff Celestial, Inc. (“Plaintiff”) filed the above-captioned action in this Court against Defendants Does 1 Through 10 (“Defendants”), alleging violations of 17 U.S.C. § 501.

The general rule for pleadings is set out in the Federal Rules of Civil Procedure. Rule 10(a) states that “[t]he title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.” However, “where the identity of alleged defendants will not be known prior to the filing of a complaint . . . the plaintiff should be given an opportunity through discovery to identify the unknown defendants.” *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980); *see also Patrick Collins Inc. v. Does*, No. C 10-05886 LB, 2011 WL 3568874 (N.D. Cal. Nov. 4, 2011) (copyright action discussing standards for serving Doe defendants).

Additionally, Fed. R. Civ. P. 4(m) provides, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In this action, Plaintiff states that it is ignorant of the true names of the Defendants but that each Defendant can be identified by the IP address assigned to each through his or her internet service provider. Plaintiff states that information obtained in discovery will lead to the identification of each Defendant’s true name.

By this Order, we direct Plaintiff to comply with Rule 4(m)’s requirement to serve Defendants within 120 days of filing the Complaint, or show good cause why, through due diligence, the Defendants’ identities cannot be ascertained by that time. Failure to timely and adequately comply as

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required herein by serving Defendants or showing good cause why Defendants cannot be ascertained by **FEBRUARY 11, 2012**, will result in dismissal of this action. Plaintiff shall take all necessary action, including the service of any subpoenas on appropriate entities, to ascertain the identities of the Defendants to ensure timely service under Rule 4(m).

**IT IS SO ORDERED.**

Initials of Deputy Clerk

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Bea