

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MALIBU MEDIA, LLC,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	Civil Action No. 12-CV-0235-RC-JMF
	)	
JOHN DOES 1-16,	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**DEFENDANT J. DOE’S (IP ADDRESS 72.83.89.74)**  
**RENEWED MOTION TO DISMISS PURSUANT TO RULE 4(m)**

COMES NOW Defendant J. Doe, identified by Plaintiff as IP Address 72.83.89.74 (hereinafter “Defendant”), by and through undersigned counsel, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, and respectfully renews its Motion to Dismiss Pursuant to Rule 4(m), *see* Doc. 16, and requesting this Honorable Court to permit Defendant to proceed anonymously,<sup>1</sup> to dismiss Plaintiff Malibu Media, LLC’S (hereinafter “Plaintiff”) Complaint against Defendant, and in support thereof states:

1. Defendant’s renewed motion should be granted because this Motion is brought 120 days after Plaintiff filed the Complaint on February 10, 2012 against John Does 1-16, *see* Fed. R. Civ. P. 4(m);
2. Despite the notice of proposed summons filed four (4) months earlier, it is undisputed that Defendant has not received service of process of the Complaint;

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<sup>1</sup> In requesting to appear anonymously, Defendant incorporates in full its arguments set forth in its first motion to dismiss by reference.

3. As Fed. R. Civ. P. 4(m) provides, “if service of the summons and complaint is not made upon a defendant within an 120 days after the filing of the complaint, the court, upon motion...shall dismiss the action”; and
4. In renewing its motion before the Court, Defendant respectfully requests the Court:
  - a. To allow Defendant to appear anonymously in this matter;
  - b. To dismiss the Complaint due to Plaintiff’s failure to effectuate service on Defendant;
  - c. In the alternative, to dismiss Defendant from the case because Plaintiff has not served Defendant within 120 days of filing the Complaint; or
  - d. To award any such relief that the Court may deem proper.

WHEREFORE, the Defendant renews its Motion to dismiss the Complaint as service has not been made upon Defendant J. Doe (IP Address 72.83.89.74), the 120-day deadline has passed, and Plaintiff has had over 300 days to serve Defendant with the Summons and Complaint and has failed to do so.

This, the 12th day of December, 2012.

Respectfully submitted,

S/ Erika R. Adams

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this, the 12th day of December, 2012, a true and correct copy of the foregoing document was served on counsel for Plaintiff, Jon A. Hoppe, via the CM/ECF system.

S/ Erika R. Adams

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Erika R. Adams, Esq.  
Johnson Law Group Intl., PLLC