

**UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

Civil Action No. 12-1119 (EGS/JMF)

JOHN DOES 1-7,

Defendants.

ORDER

In this case, plaintiff, the holder of a movie copyright, has named as “John Doe” defendants persons it believes have downloaded the movie from the Internet without paying, thereby violating plaintiff’s copyright. The only way to learn defendants’ identities, however, is through defendants’ internet service providers (“ISPs”), who have the name and address of each individual assigned an IP (internet provider) address. Plaintiff has therefore issued a subpoena from this court to compel the ISPs to provide it with that information so that plaintiff can substitute the appellation “John Doe” with the defendants’ name. The pace of the ISPs’ production of this information, however, has been glacial. Accordingly, plaintiff has sought an enlargement of time within which to name the actual defendants.

I am reluctant to continue to grant such extensions without any idea of when this process will come to an end. It must be remembered that the defendants are the downloaders, not the providers. Thus, since the defendants have not yet been identified, and the providers are not parties, it is impossible for me to ascertain whether there is any opposition to plaintiff’s motion for an extension. In other words, I have yet to hear from the ISPs as to whether plaintiff’s representations regarding the delay in securing the Doe defendants’ names and addresses are

accurate or, if accurate, are justified.

Although I will grant plaintiff the extension it seeks, it may be the last one. If plaintiff does not have the information it needs by the new deadline, I will not consider another motion for an extension unless, prior to moving for that extension, plaintiff moves to compel the ISPs to comply, pursuant to Rule 45 of the Federal Rules of Civil Procedure. Plaintiff's motion to compel must be filed no later than seven days before the new deadline for compliance with the subpoena. In this way, I hope to engage the ISPs in the process, and secure their views regarding how long it will take to get the information and whether they should continue to be obliged to produce the information plaintiff seeks.

It is therefore, hereby,

ORDERED that Plaintiff's First Motion for Extension of Time Within Which it has to Serve John Doe Defendants with a Summons and Complaint [#10] is **GRANTED**. It is further, hereby,

ORDERED that plaintiff shall have until March 8, 2013 to effectuate service of summons and complaint on defendants.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE