

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>3:12-cv-00335-UATC-MCR</u>
)	
v.)	
)	
JOHN DOES 1-19,)	
)	
Defendants.)	
_____)	

PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH IT HAS TO EFFECTUATE SERVICE ON DOE DEFENDANTS

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which to effectuate service on Doe Defendants, and states:

1. This is a copyright infringement case against nineteen John Doe Defendants known to Plaintiff only by an IP address. The true identities of the Defendants are known by their respective Internet service providers (“ISPs”).
2. On April 9, 2012, Plaintiff was granted leave to serve third party subpoenas on Defendants’ ISPs to obtain the identifying information for each Defendant [Dkt. #6].
3. Plaintiff served subpoenas on Bellsouth, Cox Communications, Embarq Corporation, Road Runner, and SBC Internet Services. The deadline for the ISPs to respond was June 14, 2012.
4. To this day, Plaintiff has not received responses from Bellsouth nor SBC Internet Services. Bellsouth and SBC have communicated to undersigned that the identities of the Defendants will be produced by the first week of August.

5. Further, Plaintiff has been unable to obtain the identities for Does 13 and 17, each of whom filed a Motion to Sever [Dkt. # 15 and 14, respectively] that remain pending before the Court.

6. Embarq will not produce the identities of Does 13 and 17 until after Defendants' motions have been adjudicated.

7. Pursuant to Rule 4(m), Plaintiff is required to serve Defendants with a summons and Complaint by no later than today, July 26, 2012.

8. As Plaintiff is not in possession of all Defendants' true identities, it has been unable to serve the Defendants in compliance with the Rule 4(m) deadline.

9. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on each Defendant be extended until at least thirty (30) days after this Court's ruling on Defendants' pending motions, should the Court rule in Plaintiff's favor.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on each Defendant be extended until thirty (30) days after the Court rules on Defendants' pending motions.

Dated: July 26, 2012

Respectfully submitted,

By: /s/ M. Keith Lipscomb

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ M. Keith Lipscomb

SERVICE LIST

U.S. District Court
Middle District of Florida
Civil Case No. 3:12-cv-00335-UATC-MCR

1. Plaintiff does not yet have Defendants' names or addresses.