

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

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|--------------------|---|---|
| MALIBU MEDIA, LLC, |) | |
| |) | |
| Plaintiff, |) | Civil Case No. <u>2:12-cv-00266-JES-DNF</u> |
| |) | |
| v. |) | |
| |) | |
| JOHN DOES 1-25, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**PLAINTIFF’S SECOND MOTION FOR EXTENSION OF TIME WITHIN WHICH IT
HAS TO SERVE DEFENDANTS WITH A SUMMONS AND COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within Plaintiff has to serve Defendants with a Summons and Complaint, and states:

1. This is a copyright infringement case against twenty five (25) John Doe Defendants known to Plaintiff only by an IP address. The true identities of the Doe Defendants are known by their respective internet service providers (“ISPs”).

2. There are 6 ISPs in this case: (1) Comcast Cable (9 Doe Defendants); (2) Bright House Networks (2 Doe Defendants); (3) Embarq Corporation (1 Doe Defendant); (4) Road Runner (9 Doe Defendants); (5) Summit Broadband (1 Doe Defendant); and (6) Verizon Internet Services (3 Doe Defendants).

3. On June 6, 2012, Plaintiff served each ISP with a third party subpoena demanding that they provide the identifying information for the Doe Defendants. The response date for these subpoenas was July 27, 2012.

4. Plaintiff has yet to receive a response from Summit and Comcast.

5. Comcast has not complied with the subpoena because of the motions which were pending before the Court on the subpoena compliance date [Dkt. #s 12, 13, 15, 19, and 21]. This Court denied the motions on September 10, 2012. Plaintiff forwarded a copy of the order to Comcast and is waiting on their response.

6. Pursuant to this Court's order dated September 13, 2012, Plaintiff has until today, October 12, 2012, to effectuate service of the summons and Complaint upon each Doe Defendant. As Plaintiff is not in possession of all the Defendants' identities, it is unable to properly complete service on them in accordance with this Court's order.

7. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Complaint on each Defendant be extended an additional thirty (30) days, or until November 12, 2012.

WHEREFORE, Plaintiff respectfully requests that the time within it must serve the Doe Defendant with a summons and Complaint be extended until November 12, 2012. A proposed order is attached for the Court's convenience.

Dated: October 12, 2012

Respectfully submitted,

By: /s/ M. Keith Lipscomb
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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ M. Keith Lipscomb