

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

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

**PLAINTIFF’S THIRD 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 which 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. Pursuant to this Court’s order dated November 5, 2012, Plaintiff had until yesterday, November 12, 2012, to effectuate service of the summons and Complaint upon each Doe Defendant. As Plaintiff has yet to receive John Doe 18’s information, it has been unable to serve him in compliance with the Court’s order.

3. In response to the subpoenas issued to each ISP, Plaintiff has received the identities for all Defendants, with the exception of John Doe 18, because this Defendant filed a Motion to Dismiss which is currently pending before the Court [Dkt. 44]. Doe 18’s ISP will not release his identity until after the motion has been adjudicated.

4. John Doe 24 has also filed a Motion to Dismiss which is remains pending before the Court [Dkt. 43].

5. Plaintiff is in possession of the identities for John Does 24 and 25, and filed a Notice of Intent to Serve the Defendants within 14 days [Dkt. 45]. Plaintiff has requested that Does 24 and 25 provide Plaintiff with any exculpatory evidence the Defendants may have.

6. Counsel for Doe 24 has advised that they will withhold John Doe 24's exculpatory evidence until after the Court enters a ruling on Doe 24's pending Motion to Dismiss. Without John Doe 24's exculpatory evidence, Plaintiff cannot properly determine whether it should serve John Doe 24 or dismiss its claims against the Defendant.

7. Plaintiff recently received exculpatory evidence from John Doe 25 and is currently examining same to determine the correct party to name and serve.

8. 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 December 13, 2012.

WHEREFORE, Plaintiff respectfully requests that the time within it must serve the Doe Defendant with a summons and Complaint be extended until December 13, 2012. A proposed order is attached for the Court's convenience.

Dated: November 13, 2012

Respectfully submitted,

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

I hereby certify that on November 13, 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