

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MALIBU MEDIA, LLC,**

**Plaintiff,**

**v.**

**Case No. 8:12-cv-1666-T-30EAJ**

**JOHN DOES 1-19,**

**Defendants.**

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**ORDER**

THIS CAUSE comes before the Court upon Plaintiff’s Third Motion for Extension of Time to Serve Defendants (Dkt. 28) and Defendant John Doe 17's Motion to Dismiss, Quash, and Sever (Dkt. 27). The Court, having reviewed the motions, John Doe 4's memorandum in opposition, and being otherwise advised in the premises, concludes that Plaintiff shall have a final extension of thirty days to serve the John Doe Defendants and Defendant John Doe 17's motion is therefore moot.

Plaintiff seeks additional time to serve the John Doe Defendants because there was a delay in receiving the Doe Defendants’ identification from their respective internet service providers (“ISPs”). The Court previously provided Plaintiff with extensions of time to effect service for this same reason. Thus, the Court will grant Plaintiff a final extension of thirty days to serve the Doe Defendants. Notably, as of this date, all of the ISPs have responded to Plaintiff’s third-party subpoenas.

On a related note, Doe 17 moves to dismiss and quash because Plaintiff has failed to serve Doe 17 within the time allotted in Fed. R. Civ. P. 4(m), i.e, 120 days. This motion is now moot given the thirty-day extension of the period of time to serve the Doe Defendants.

Doe 17 also moves to sever the claims against Doe 17 because the Doe Defendants are improperly joined. The Court denies this request as premature. As Judge Merryday aptly noted in a nearly identical case, (*Malibu Media, LLC v. John Does 1-9*, Case No. 8:12-cv-669-T-23AEP; Dkt. 25), the issue of whether the Doe Defendants should be severed is premature because the Doe Defendants have not yet been served with process. If Plaintiff names any of the Doe Defendants as Defendants in this action, the issues of severance and dismissal based on improper joinder may be raised at that time.

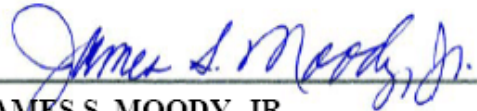
It is therefore ORDERED AND ADJUDGED that:

1. Plaintiff's Third Motion for Extension of Time to Serve Defendants (Dkt. 28) is GRANTED. Plaintiff has an extension of thirty (30) days from the date of this Order to serve the Doe Defendants. This is Plaintiff's final extension. If Plaintiff does not serve the Defendants within this period of time, the Court will dismiss this action without further notice.

2. Defendant John Doe 17's Motion to Dismiss, Quash, and Sever (Dkt. 27) is DENIED for the reasons stated herein.

**DONE** and **ORDERED** in Tampa, Florida on March 13, 2013.

**Copies furnished to:**  
Counsel/Parties of Record

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE