

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>:12-cv-01188-JES-JAG</u>
)	
v.)	
)	
JOHN DOES 1-34,)	
)	
Defendants.)	
_____)	

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH
IT HAS TO SERVE DOE 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 thirty four (34) 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 six (6) ISPs in this case: (1) CMI Broadband (1 Doe Defendant); (2) Comcast Cable (27 Doe Defendants); (3) Fairpoint Communications (1 Doe Defendant); (4) Frontier Communications (1 Doe Defendant); (5) Mediacom Communications Corporation (3 Doe Defendants); and (6) Paetec Communications (1 Doe Defendant).

3. On or about August 2, 2012, Plaintiff served each of the ISPs with a third party subpoena demanding that they provide the identifying information for the Doe Defendants. The response due date for these subpoenas was September 17, 2012.

4. To this day, however, Plaintiff has only received a response from Comcast and Fairpoint Communications. In its response, Comcast withheld the identities of John Does 5, 6,

13 and 21 because these Defendants filed motions or objections which remain pending before the Court [Dkt. #s 8, 7, 9, and 15, respectively]. Comcast will not release these identities until after the motions have been adjudicated.

5. Pursuant to this Rule 4(m), Plaintiff has until today, October 12, 2012, to effectuate service of the summons and Complaint upon each Defendant.

6. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Complaint on the Defendant be extended until at least thirty (30) days after this Court enters a ruling on the pending motions. Such extension will allow undersigned sufficient time within which to obtain the movants' identities, should the Court rule in Plaintiff's favor, confer with Plaintiff regarding service on the Defendants, and prepare the appropriate pleadings to effectuate service on the Defendants.

WHEREFORE, Plaintiff respectfully requests that the time within it must serve the Defendants with a summons and Complaint be extended until thirty days after this Court's ruling on the pending motions [Dkt. #s 7, 8, 9 and 15]. A proposed order is attached for the Court's convenience.

Dated: October 12, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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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/ Paul J. Nicoletti