

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MALIBU MEDIA, LLC,)	
)	
Plaintiff)	No. 12 cv 06675
)	
vs)	Judge John Z. Lee
)	
JOHN DOES 1 - 68)	
)	
Defendants)	

**PLAINTIFF’S 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 sixty eight (68) 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 three ISPs in the case: (1) Comcast Cable (61 Doe Defendants); (2) WideOpenWest (5 Doe Defendants); and (3) XO Communications (2 Doe Defendants).
3. On October 3, 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 November 19, 2012.
4. To date, Plaintiff has received a response from WideOpenWest and XO Communications. Comcast has not responded to the subpoena due to a number of motions to quash and sever which remain pending before the Court [Dkt. 23, 24, 34, 36,

37 and 58]. Comcast will not produce its response until after the all the pending motions have been adjudicated.

5. Pursuant to Rule 4(m), Plaintiff has until December 18, 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 was unable to properly complete service on them in accordance with Rule 4(m).

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, and prepare the appropriate pleadings to effectuate service on the Defendants.

7. At least one of th attorneys representing defendants in this case is not authorized to consent to this motion.

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. 23, 24, 34, 36, 37 and 58].

Dated: December 20, 2012

Respectfully submitted,

SCHULZ LAW, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 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/ Mary K. Schulz