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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC

Plaintiff,

v.

JOHN DOES 1-18,

Defendants.

Civil Case No. 2:12-cv-07789-KM-MCA

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME
WITHIN WHICH IT HAS TO SERVE JOHN 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 which Plaintiff has to serve Defendants with a Summons and Complaint, and states:

1. This is a copyright infringement case against eighteen (18) 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. On or about November 26, 2012, Plaintiff served a subpoena on Comcast Cable requesting that they produce the identifying information for the Defendants. The subpoena responses were due on or about April 15, 2013.

3. To date, Plaintiff has not yet received a response from Comcast. Comcast has advised that they are unable to comply with the subpoena due to the number of motions to quash or sever, which are currently pending before the Court [Dkt. 9, 10, 12, and 13]. Comcast will not produce a response to Plaintiff until after all the pending motions have been adjudicated.

4. Pursuant to Rule 4(m), Plaintiff has until today, April 18, 2013, to serve Defendants with a summons and Complaint. As Plaintiff does not yet know the identities for any of the Defendants, it is unable to effectuate service on the Defendant in compliance with Rule 4(m).

5. Procedurally, Plaintiff respectfully requests that the time within which it has to serve the Defendants be extended until at least thirty (30) days after this Court's ruling on the pending motions. Such extension will allow Plaintiff enough time within which to obtain the Defendants' identities, should the Court rule in Plaintiff's favor, and file all pleadings necessary to effectuate service on Defendants.

6. This is Plaintiff's first request for an extension of time to effectuate service.

7. Here, pursuant to Rule 16(b), good cause exists for the court to extend the time within which Plaintiff may serve the defendants because despite Plaintiff's diligent efforts Plaintiff simply cannot comply with the current deadline. See Joseph v. Hess Oil Virgin Islands Corp., 651 F.3d 348, 356 (3d Cir. 2011) (good cause exists for extension of time "based on an event or cause beyond the control of counsel of the petitioner.")

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendants be extended until thirty (30) days after the Court enters a ruling on the pending motions [Dkt. 9, 10, 12, and 13]. A proposed order is attached for the Court's convenience.

Dated: April 18, 2013

Respectfully submitted,
By: /s/ Patrick J. Cerillo
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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2013, 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/ Patrick J. Cerillo