



MEMO ENDORSED



KOTZKER LAW GROUP

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January 22, 2013

VIA FACSIMILE (914) 390-4298

*So ordered [Signature]
Jan. 24, 2012*

The Honorable Edgardo Ramos, District Judge
United States Courthouse
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

**Re: Request for Extension of Time to Serve Defendant
Malibu Media, LLC v. John Does 1-11, Case No. 7:12-cv-3810-ER**

Dear Judge Ramos:

Please be advised that undersigned represents Plaintiff in the above captioned matter. On September 12, 2012, this Court granted Plaintiff's application to extend the deadline to serve the John Doe Defendant in the above captioned matter. Pursuant to the order, Plaintiff is required to effectuate service on Defendant by no later than today, January 22, 2013.

The subpoena that was issued to Defendant's Internet Service Provider ("ISP") gave them approximately 45 days to comply and had a return date of December 23, 2012. To this day, however, Defendant's identity remains unknown to Plaintiff because Defendant filed a Motion to Dismiss which currently remains pending before the Court [Dkt. 17]. Defendant's ISP will not release Defendant's information to Plaintiff until after the motion has been adjudicated. Since Plaintiff does not know the Defendant's true identity, it is unable to comply with the Court imposed service deadline.

Plaintiff therefore seeks an order extending the time within which Plaintiff has to serve Defendant until thirty (30) days after the Court enters a ruling on the pending Motion to Dismiss. Such extension will allow Plaintiff sufficient time to obtain the Defendant's identity, should the Court rule in Plaintiff's favor, and file all pleadings necessary to effectuate service on Defendant.

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Undersigned has contacted counsel for Defendant, who has advised that his client does not oppose the granting of an extension to serve.

Should you have any comments or concerns regarding the foregoing, please do not hesitate to contact me at (303) 875-5386.

Very truly yours,



KOTZKER LAW GROUP
Jason A. Kotzker