

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		:
MALIBU MEDIA, LLC,		:
		:
	Plaintiff,	:
		:
	vs.	:
		:
JOHN DOES 1-14,		:
		:
	Defendants.	:
		:
-----X		:

Civil Action No. 1:12-cv-04136-LLS

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH IT HAS  
TO SERVE JOHN DOE DEFENDANT 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 Defendant with a Summons and Complaint, and states:

1. This is a BitTorrent copyright infringement case originally against fourteen (14) 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 May 31, 2012, Plaintiff filed its Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference [Dkt. #2] to obtain the Defendants’ identifying information. On June 13, 2012, Plaintiff’s motion was grated as to John Doe 1 only.
3. On June 13, 2012, Plaintiff perfected service of the subpoena Road Runner demanding that they produce John Doe 1’s information to the Court directly by July 30, 2012.
4. Pursuant to Rule 4(m), Plaintiff is required to serve Defendant with a summons and Complaint by no later than today, September 11, 2012.

5. As Road Runner was directed to produce the information to the Court, Plaintiff is not in possession of John Doe 1's identity and cannot serve him as required by 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 receipt of the Defendant's identifying information.

WHEREFORE, Plaintiff respectfully requests that it be allowed an additional thirty (30) days after the Court releases John Doe 1's identifying information to Plaintiff to serve him with a summons and Complaint. A proposed order is attached for the Court's convenience.

Dated: September 11, 2012

Respectfully submitted,

By: /s/ Jason Kotzker  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 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/ Jason Kotzker