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6 **IN THE UNITED STATES DISTRICT COURT**
 7 **FOR THE DISTRICT OF ARIZONA**

8 PATRICK COLLINS, INC.,
 9 Plaintiff.

Case No. 11-cv-01602-PHX-GMS

10 v.

11 JOHN DOES 1-54,
 12 Defendants.
 13

**PLAINTIFF’S MOTION TO
 EXTEND TIME PERIOD FOR
 SERVICE OF SUMMONS AND
 COMPLAINT ON DOE
 DEFENDANTS**

14 Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Patrick Collins, Inc., moves for entry
 15 of an order extending the time within which Plaintiff has to serve Doe Defendants with a
 16 Summons and Complaint, and states:
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18 1. This is a copyright infringement case against Doe Defendants known to
 19 Plaintiff only by an IP address.

20 2. The true identities of the Doe Defendants are known by their respective
 21 internet service providers (“ISPs”).
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1 3. Plaintiff served all of the Doe Defendants' ISPs with a third party
2 subpoena demanding that the ISPs provide identifying information for the Doe
3 Defendants. The due date on the subpoenas was October 21, 2011.

4 4. While the ISPs have complied with the subpoenas, Plaintiff has not yet
5 received the identifying information for Doe 6, who filed a Motion to Quash [D.E.6]. As
6 no ruling has been made on the Motion to Quash, Plaintiff is unable to obtain the
7 identity of the Doe from its respective ISP.

8 5. Moreover, Plaintiff intends to file a response to the Declaration of an
9 anonymous doe [D.E. 17] filed in Opposition to Plaintiff's Memorandum regarding
10 piracy [D.E. 12].

11 6. The deadline to effectuate service on Doe Defendants is currently
12 December 13, 2011.

13 7. As such, Plaintiff requires an extension of time within which to effectuate
14 service in order to more efficiently prosecute its infringement claims against the Doe
15 Defendants, as is further explained below.

16 8. Plaintiff would initially emphasize that Copyright Act was specifically
17 amended to deter copyright infringement over peer-to-peer networks by providing
18 remedies to victims of infringement, by raising the amount of statutory damages
19 available to a Plaintiff. See Copyright Act, 17 U.S.C. § 101, et seq.; see also Sony
20 BMG Music Entertainment v. Tanenbaum, 2011 WL 4133920, at *4 (1st Cir., September
21 16, 2011) (quoting the legislative of the Digital Theft Deterrence and Copyright
22 Damages Improvement Act of 1999).

1 9. At the time of filing this action, Plaintiff believed it would be possible to
2 obtain the identifying information of Doe Defendants and serve them within 120 days.
3 Pursuant to this belief, Plaintiff prepared Rule 26(f) reports to be ready when service
4 was complete.

5 10. Plaintiff has since learned that it is frequently impossible to obtain such
6 identifying information within 120 days.

7 11. Further, even when Plaintiff is able to obtain the identities within 120
8 days, Plaintiff has learned it is not possible to complete its settlement and investigatory
9 discussions the vast majority of Doe Defendants within this 120 day window, the bulk of
10 which is taken up by the process of merely obtaining the identities.

11 12. Indeed, the parties' settlement discussions have proven to be a time
12 consuming and labor intensive process that, depending on the Doe, take anywhere from
13 one fifteen minute conversation to several months. Through this process, Plaintiff and
14 many of the Doe Defendants amicably resolve their disputes without the need for further
15 litigation. Thus, the pre-service conversations and negotiations save everyone time,
16 energy and money.

17 13. Ultimately, Plaintiff will deduce the universe of recalcitrant infringers that
18 it wants to proceed against. When that happens, Plaintiff intends to serve the recalcitrant
19 infringers and is ready with offensive discovery, offensive and defensive experts, and
20 many of the other papers that will be necessary to move this case rapidly through the
21 litigation process toward trial.
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1 14. The Court should also know that in some instances where, for example, a
2 particular Doe Defendant's infringement has been particularly egregious or extensive,
3 Plaintiff may choose to sue such Doe Defendant individually for infringing several of
4 Plaintiff's works or in combination with other studios whom undersigned represents as
5 additional Plaintiffs.

6 15. To explain, many Doe Defendants have infringed not only Plaintiff's
7 copyrights (often many of them) but also other studios' copyrights. IPP, Limited tracks
8 many of these studios' movies. Performing this analysis takes time, and is only done if
9 the Doe Defendant refuses to settle for a reasonable amount early in the process.
10

11 16. Any individual suit would remain, however, related to the instant action
12 because of the nature of joint and several liability among the peer-to-peer infringers in
13 this case, and the same series of infringements of the subject Work in this case.

14 17. Plaintiff has found that the foregoing strategy most efficiently resolves the
15 numerous cases Plaintiff must file to protect its copyrights, protects the interests of the
16 Doe Defendants. Further, it is consistent with national public policy favoring
17 settlements. See Marek v. Chesny, 473 U.S. 1, 11 (1985) (stating that Rule 68's policy
18 of encouraging settlements in federal cases "is neutral, favoring neither plaintiffs nor
19 defendants; it expresses a clear policy of favoring settlement of all lawsuits").
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21 18. Specifically, such strategy affords each Doe Defendant with an
22 opportunity to investigate whether he or she desires to challenge a specific claim, and
23 does so in a way that respects each Doe Defendant's confidentiality during the
24 investigation and settlement process.

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2011 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/ Ryan J. Stevens