

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

PATRICK COLLINS, INC.,	)	
	)	
Plaintiff,	)	Civil Case No. <u>3:12-cv-00574-HLA-JRK</u>
	)	
v.	)	
	)	
JOHN DOES 1-32,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF’S THIRD 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, Patrick Collins, Inc., moves for entry of an order extending the time within Plaintiff has to serve Defendants with a Summons and Complaint, and states:

1. This is a copyright infringement case against thirty two (32) 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 July 5, 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 August 20, 2012.

3. To this day, however, Plaintiff has not yet received a response from any of the ISPs. Many of the ISPs have advised Plaintiff that they cannot produce the identifying information for the Defendants due to the pending motions to quash that are currently pending before the Court [Dkt. #s 7, 14, 15, 16, 20 and 21].

4. Pursuant to Rule 4(m), Plaintiff has until today, September 12, 2012, to effectuate service of the summons and Complaint upon each Doe Defendant. As Plaintiff is not in possession of the Defendants' identities, it is impossible to properly complete service on them in accordance with Rule 4(m).

5. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Complaint on each Defendant be extended until at least thirty (30) days after the Court enters a ruling on the pending motions. Such extension would allow Plaintiff sufficient time to obtain the movants' identifying information from the ISPs, should the Court rule in Plaintiff's favor, and file all necessary pleadings to commence service on the Defendants.

WHEREFORE, Plaintiff respectfully requests that the time within it must serve the Doe Defendant with a summons and Complaint be extended until thirty (30) days after the Court enters a ruling on the pending motions. A proposed order is attached for the Court's convenience.

Dated: September 12, 2012

Respectfully submitted,

By: /s/ M. Keith Lipscomb  
M. Keith Lipscomb (429554)  
klipscomb@lebfirm.com  
LIPSCOMB EISENBERG & BAKER, PL  
2 South Biscayne Blvd.  
Penthouse 3800  
Miami, FL 33131  
Telephone: (786) 431-2228  
Facsimile: (786) 431-2229  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 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/ M. Keith Lipscomb