

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

PATRICK COLLINS, INC.,)	
)	
Plaintiff,)	Civil Case No. <u>1:12-cv-01281-MMM-JAG</u>
)	
v.)	
)	
JOHN DOES 1-7,)	
)	
Defendants.)	
_____)	

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH
IT HAS TO SERVE DOE 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 seven (7) 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 September 5, 2012, Plaintiff served each of the ISPs with a third party subpoena demanding that they provide the identifying information for the Doe Defendants. The response due date for these subpoenas was October 22, 2012.

3. To date, Plaintiff has received the identities for all the Defendants with the exception of John Doe 3 because this Defendant filed a motion which remains pending before the Court. [Dkt. #7]. The ISP will not release this identity until after the motion has been adjudicated.

4. Pursuant to this Rule 4(m), Plaintiff has until today, December 10, 2012, to effectuate service of the summons and Complaint upon each Defendant. As Plaintiff does not

yet know the true identities for all Defendants, it has been unable to serve them in compliance with Rule 4(m).

5. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Complaint on the Defendants be extended until at least thirty (30) days after this Court enters a ruling on the pending motion. Such extension will allow undersigned sufficient time within which to obtain the movant's identity, should the Court rule in Plaintiff's favor, confer with Plaintiff regarding service on the Defendant, and prepare the appropriate pleadings to effectuate service on the Defendant.

WHEREFORE, Plaintiff respectfully requests that the time within it must serve the Defendants with a summons and Complaint be extended until thirty days after this Court's ruling on the pending motions [Dkt. #7]. A proposed order is attached for the Court's convenience.

Dated: December 10, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 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/ Paul J. Nicoletti