

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COMBAT ZONE CORP.

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Plaintiff,

v.

Civil Action No. 4:12-cv-02750

JOHN/JANE DOES 1-3

JURY TRIAL REQUESTED

Defendants.

**MOTION TO EXTEND TIME FOR PLAINTIFF TO SERVE DEFENDANTS
AND TO RESET SCHEDULING CONFERENCE**

COMES NOW, Plaintiff COMBAT ZONE CORP. (hereinafter “Combat Zone” or the “Plaintiff”), and files this Motion to Extend Time for Plaintiff to Serve Defendants and to Reset Scheduling Conference (the “Motion”):

1. Plaintiff filed its Complaint on September 13, 2012. (Doc. #1). Accordingly, the deadline to serve Defendants is January 11, 2013, pursuant to Federal Rule of Civil Procedure 4(m).
2. Given the nature of the action, Plaintiff did not know the identity of the proper Defendants on the date the Complaint was filed. In order to determine such identities, Plaintiff filed its Motion for Expedited Discovery on September 13, 2012. (Doc. #3).
3. On September 14, 2012, this Court ordered that all counsel and all pro se parties appear for an Initial Pretrial and Scheduling Conference on January 11, 2013, at 2:00 p.m. (Doc. #4).

4. On September 17, 2012, this Court granted Plaintiff's Motion for Expedited Discovery thereby ordering certain Internet Service Providers ("ISPs") to produce information sufficient to identify the Internet subscribers of the referenced IP addresses in Exhibit 1 to Plaintiff's Motion for Expedited Discovery and/or permitting Plaintiff to conduct limited discovery on the individuals identified by the ISPs in order to determine whether such internet subscribers are the proper Defendants in this action. (Doc. #6).

5. On or about September 18, 2012, Plaintiff served the two ISPs with the subpoenas authorized by the Court along with a copy of the Order Granting Plaintiff's Motion for Expedited Discovery.

6. One of the ISPs responded to the subpoena on October 26, 2012. Thereafter, interrogatories were sent to the identified subscriber in order to discover the identity of the proper Defendants in this action. To date, that subscriber has not yet responded to the discovery requests.

7. The other ISP responded to the subpoena on December 19, 2012. Plaintiff has not yet had an opportunity to send discovery requests to the identified subscribers.

8. Consequently, Plaintiff respectfully requests this Court to reset the Initial Pretrial and Scheduling Conference set for January 11, 2013, at 2:00 p.m., and all other corresponding matters related to said Initial Pretrial and Scheduling Conference, for a date no less than 60 days from the current settings. The extension requested herein should allow adequate time for (i) the service of limited discovery on the recently identified internet subscribers identified by the ISPs and a reasonable time period for such internet subscribers to respond to such discovery, and (ii) additional time to discover the identity of the proper Defendants and serve such Defendants.

9. Plaintiff further respectfully requests that the Court extend the deadline for Plaintiff to serve Defendants with Plaintiff's Complaint by no less than 60 days from the current deadline set forth by Fed.R.Civ.P. 4(m).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, pursuant to Fed.R.Civ.P. 6(b), respectfully requests the Court to (i) extend the deadline for Plaintiff to serve Defendants with Plaintiff's Complaint by no less than 60 days from the current deadline set forth by Fed.R.Civ.P. 4(m) and (ii) reset the Initial Pretrial and Scheduling Conference set for January 11, 2013, at 2:00 p.m., and all other corresponding matters related to said Initial Pretrial and Scheduling Conference, for a date no less than 60 days from the current settings.

Dated: December 31, 2012

Respectfully submitted,

CHALKER FLORES, LLP

By: /s/ Thomas G. Jacks

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 31st day of December, 2012, a true and correct copy of the foregoing document was served on counsel of record in accordance with the Federal Rules of Civil Procedure and this Court's ECF system.

/s/ Thomas G. Jacks

Thomas G. Jacks