

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

v.

SWARM SHARING HASH FILE  
AE340D0560129AFEE8D78CE07F2394C7B  
5BC9C05; AND DOES 1 through 38,

Defendants.

Civil Action No. 11-cv-10802-WGY

**PLAINTIFF'S EX PARTE MOTION FOR A  
90 DAY ENLARGEMENT OF TIME TO SERVE COMPLAINT**

The plaintiff Liberty Media Holdings, LLC (“Liberty”) respectfully moves *ex parte* for an order pursuant to Federal Rule of Civil Procedure 4(m) to enlarge the period of time to effect service by 90 days, through and including March 1, 2012. Liberty is prepared to amend the complaint to name defendants and then to complete service of the amended complaint. It requests additional time, however, (1) to allow the remaining John Doe defendants a final opportunity to present any special circumstances to the Court that would warrant allowing them to proceed anonymously, and (2) so that, once the complaint is amended, Liberty has time to efficiently complete service with the waiver procedure set forth in Fed. R. Civ. P. 4(d).

Thus, Liberty requests a 90 day extension of its service deadline so it has time to implement the following schedule for amending and serving the complaint:

- (1) If the present motion is granted, Liberty will send notice to the remaining John Doe defendants that the complaint will be amended in 21 days, and their identities thereby disclosed, unless they move the Court to allow them to proceed anonymously.
- (2) After the deadline passes and any motions to proceed anonymously are resolved, Liberty will file the First Amended Complaint, naming the remaining Doe Defendants.

(3) Liberty will then request waiver of service for the First Amended Complaint, pursuant to Fed. R. Civ. P. Rule 4(d). After the 30 day time period passes, Liberty will then serve by hand any defendants who refuse to waive service.

Dated: November 8, 2011

Respectfully submitted,

LIBERTY MEDIA HOLDINGS, LLC

By its attorneys,

/s/ Aaron Silverstein

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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

This motion has been filed on an ex-parte basis because most Doe defendants have not made an appearance in the case. However, I certify that prior to filing the foregoing Motion, I conferred with counsel for Doe No. 15 in a good faith effort to resolve or narrow the issue. An agreement could not be reached.

/s/ Aaron Silverstein  
Aaron Silverstein

**CERTIFICATE OF SERVICE**

I hereby certify that on the above referenced date, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants.

/s/ Aaron Silverstein  
Aaron Silverstein