
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:13-cv-02707-WYD-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN BUTLER,

Defendant.

**PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO SERVE EXPERT WITNESS REPORTS**

Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which it has to serve its Expert Witness Reports on Defendant, and states:

1. Pursuant to this Court’s Scheduling Order entered on February 25, 2014 [CM/ECF 24], Plaintiff is required to disclose its experts and serve its experts’ reports on Defendant by no later than today, August 11, 2014.

2. Plaintiff served its Expert Witness List and Partial Report on Defendant today, August 11, 2014. However, Plaintiff’s expert has been unable to prepare his report because the Defendant has yet to produce the hard drive(s). Plaintiff requested forensically sound copies of all hard drives in Defendant’s home in its First Request for Production which was served on March 18, 2014, but has not received the hard drives to date. Specifically, while acknowledging that he was in possession of a Microsoft Dell Mini during the preceding two years, Defendant states that he is no longer in possession of any computer aside from his cell phone. Therefore, Plaintiff needs additional time to conduct further discovery as to the location and condition of the hard drives.

3. If Plaintiff can locate Defendant's hard drives, Plaintiff will forward the hard drives to its expert for a forensic investigation to determine whether there is any trace of Plaintiff's copyrights on the hard drive.

4. As such, Plaintiff requires an extension of at least ninety (90) days within which its expert may review any information produced by Defendant in response to the discovery requests, and complete his report.

5. This request is made in good faith and not made for the purpose of undue delay.

6. Plaintiff has conferred with Defendant regarding the relief sought herein, and Defendant does not oppose the extension sought.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve its expert reports on Defendant be extended by ninety (90) days, or until November 10, 2014. A proposed order is attached for the Court's convenience.

Dated: August 11, 2014

Respectfully submitted,

By: /s/ Jason Kotzker
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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2014, 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/ Jason Kotzker