

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

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. 8:14-cv-01580-VMC-TBM
)	
v.)	
)	
JOHN DOE subscriber assigned IP address)	
173.78.19.241,)	
)	
Defendant.)	
)	

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN
WHICH IT HAS TO EFFECTUATE SERVICE ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).

2. On August 7, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Verizon Internet Services, to obtain the Defendant’s identifying information [CM/ECF 7]. Plaintiff issued the subpoena on August 7, 2014, and received the ISP’s response on October 7, 2014.

3. Pursuant to this Court’s Order of August 7, 2014 [CM/ECF 7], “Plaintiff must notify the Doe Defendant, or his or her counsel if represented, of Plaintiff’s intent to name and serve the Doe Defendant at least fourteen (14) days prior to seeking an issuance of a summons from the Clerk for the identified Doe Defendant.” *Id.* at ¶ 7.

4. The Plaintiff notified the Doe Defendant of its intent to name and serve him or her, however the fourteen day notice period has yet to expire.

5. Pursuant to Rule 4(m), Plaintiff is required to effectuate service on Defendant by October 25, 2014.

6. Because the fourteen day notice period has not yet expired and Plaintiff is therefore unable to seek issuance of a summons and serve the Defendant, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended at least forty-five (45) days, or until November 21, 2014.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until November 21, 2014. A proposed order is attached for the Court's convenience.

Dated: October 27, 2014

Respectfully submitted,

By: /s/ M. Keith Lipscomb

M. Keith Lipscomb (429554)

klipsomb@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 October 27, 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/M. Keith Lipscomb