

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA

CP PRODUCTIONS, INC.,

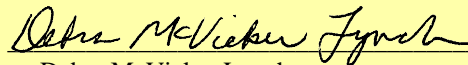
Plaintiff,

v.

JOHN DOE,

Defendant.

Having reviewed the information provided in this response, the court finds that the plaintiff has not demonstrated good cause for failure to serve the complaint within the time provided by rule. The only information provided is that this court granted the plaintiff in June 2012 the right to obtain identifying information from the ISP; the plaintiff has avoided disclosure of how long it has had that information. The court will exercise its discretion to permit the plaintiff some additional time to effect service. If proof of service is not filed by November 16, 2012, the magistrate judge will recommend that this action be dismissed without prejudice.



Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

Date: 11/6/12

PLAINTIFF’S RESPONSE TO THE COURT’S ORDER TO SHOW CAUSE

On October 12, 2012 the Court ordered that plaintiff is ordered to show cause, by **November 1, 2012**, why this case should not be dismissed for failure to serve the complaint as required by Fed. R. Civ. Proc. 4(m). (ECF No. 12.) Plaintiff hereby submits this response and demonstrates that it has good cause for why it has not yet served any Defendant in this action. Plaintiff also respectfully requests an additional three weeks to name and serve the Defendant.

LEGAL STANDARD

Rule 4(m) of the Federal Rules of Civil Procedure states that “[i]f a defendant is not served within 120 days after the complaint is filed, the court on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Rule 4(m) also states that “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m); *see also Panaras v. Liquid Carbonic Industries Corp.*, 94 F.3d 338, 340 (7th Cir. 1996) (holding that “where good cause is shown, the court has no choice but to extend the time for service, and the inquiry is ended.”). Even if good cause does not