

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>2:12-cv-12586-PJD-MJH</u>
)	
v.)	
)	
JOHN DOES 1-13,)	
)	
Defendants.)	
_____)	

PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH IT HAS TO SERVE DEFENDANTS WITH A SUMMONS AND COMPLAINT

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within Plaintiff has to serve Defendants with a Summons and Complaint, and states:

1. This is a copyright infringement case against thirteen (13) John Doe Defendants known to Plaintiff only by an IP address. The true identities of the Doe Defendants are known by their respective internet service providers (“ISPs”).

2. On July 13, 2012, Plaintiff served each ISP with a third party subpoena demanding that they provide the identifying information for the Doe Defendants. The response date for these subpoenas was August 28, 2012.

3. To this day, Plaintiff has received the identities for all the Defendants with the exception of John Does 4 and 11 because these Defendants filed motions which remain pending before the Court [Dkt. 5 and 10]. The ISPs will not release these Defendants’ identities until after their motions have been adjudicated.

4. Pursuant to Rule 4(m), Plaintiff has until today, October 12, 2012, to effectuate service of the summons and Complaint upon each Doe Defendant. As Plaintiff is not in

possession of all the Defendants' identities, it is impossible to properly complete service on them in accordance with Rule 4(m).

5. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Complaint on the Defendant be extended until at least thirty (30) days after this Court enters a ruling on the pending motions. Such extension will allow undersigned sufficient time within which to obtain the movants' identities, should the Court rule in Plaintiff's favor, confer with Plaintiff regarding service, and prepare the appropriate pleadings to effectuate service on the Defendants.

WHEREFORE, Plaintiff respectfully requests that the time within it must serve the Defendants with a summons and Complaint be extended until thirty days after this Court's ruling on the pending motions [Dkt. 5 and 10]. A proposed order is attached for the Court's convenience.

Dated: October 12, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti
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CERTIFICATE OF COMPLIANCE

Pursuant to MI R USDCTED LR 5.1(a) I hereby certify that the PLAINTIFF'S NOTICE OF FILING SUPPLEMENTAL AUTHORITY has been prepared using one of the font and point selections approved by the Court in MI R USDCTED LR 5.1(a)(3). This document was prepared using Times New Roman (12 pt.).

Dated: October 12, 2012

By: /s/ Paul J. Nicoletti

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2012, 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/ Paul J. Nicoletti