

**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.	)	
	)	

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**PLAINTIFF’S SECOND 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 which 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 a joint motion which remains pending before the Court [Dkt. 41]. The ISPs will not release these Defendants’ identities until after their motions have been adjudicated.

4. Pursuant to this Court’s order dated October 16, 2012, Plaintiff has until today, January 7, 2013, 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 compliance with this Court's order.

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 motion. 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 motion [Dkt. 41]. A proposed order is attached for the Court's convenience.

Dated: January 7, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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**CERTIFICATE OF COMPLIANCE**

Pursuant to MI R USDCTED LR 5.1(a) I hereby certify that the SECOND MOTION FOR EXTENSION OF TIME TO EFFECTUATE SERVICE ON THE JOHN DOE DEFENDANTS 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: January 7, 2013

By: /s/ Paul J. Nicoletti

**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2013, 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