

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MALIBU MEDIA, LLC,

*

Plaintiff,

*

CASE NO. 1:14-cv-00257-CCB

v.

*

**JOHN DOE subscriber assigned IP address
71.200.143.209,**

*

Defendant.

*

**PLAINTIFF'S FIRST MOTION FOR EXTENSION OF TIME
WITHIN WHICH IT HAS TO SERVE JOHN DOE DEFENDANT
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 John Doe Defendant with a Summons and Complaint, 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 February 4, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Comcast Corporation, to obtain the Defendant's identifying information [CM/ECF 6]. Plaintiff issued the subpoena on or about February 5, 2014, and expected to receive the ISP's response by March 24, 2014.

3. To date, Plaintiff has not received a response to the subpoena because Defendant filed a Motion Intervene, to Consolidate, and to Stay any Outstanding Subpoenas, and a Motion for Order to Show Cause Why All Evidence from Tobias Fieser and IPP Should Not Be Precluded, both which currently remain pending before the Court [CM/ECF 8 & 9]. The ISP has

advised that it is unable to produce the Defendant's identity to Plaintiff until after the pending motions have been adjudicated.

4. Pursuant to Rule 4(m), Plaintiff has until today, May 28, 2014, to effectuate service of the summons and Complaint upon Defendant. As Plaintiff does not yet know Defendant's true identity, it is been unable to complete service on them by the current deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on 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 Defendant's true identity, should the Court rule in Plaintiff's favor, confer with Plaintiff regarding service, and prepare the appropriate pleadings to effectuate service on the Defendant.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendant be extended until thirty (30) days after the Court enters a ruling on the pending Motions [CM/ECF 8 & 9]. A proposed order is attached for the Court's convenience.

Dated: May 28, 2014

Respectfully submitted,

MALIBU MEDIA, LLC.
PLAINTIFF

By: /s/Jon A. Hoppe
Jon A. Hoppe, Esquire #6479
Counsel
Maddox, Hoppe, Hoofnagle &
Hafey, L.L.C.
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CERTIFICATE OF SERVICE

I hereby certify that on May 28, 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/Jon A. Hoppe