

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT MICHIGAN**

<b>MALIBU MEDIA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	Civil Case No. <u>1:14-cv-00262-RJJ</u>
	)	
v.	)	
	)	
<b>JOHN DOE subscriber assigned IP address</b>	)	
<b>97.83.36.122,</b>	)	
	)	
<b>Defendant.</b>	)	
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**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 March 20, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Charter Communications, to obtain the Defendant’s identifying information [CM/ECF 8]. Plaintiff issued the subpoena on March 21, 2014, and expected to receive the ISP’s response by May 8, 2014. To date, Plaintiff has not received a response to the subpoena.

3. Instead, Charter has objected to Plaintiff’s subpoena. Plaintiff is in the process of preparing a Motion to Compel Charter’s responses which will be filed in the district in which Charter is located, the Eastern District of Missouri.

4. Pursuant to Rule 4(m), Plaintiff is required to effectuate service on Defendant by today, July 11, 2014. As Plaintiff does not yet know the Defendant's identity, it is unable to serve defendant by the current deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended by forty five (45) days, or until August 25, 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 August 25, 2014. A proposed order is attached for the Court's convenience.

Dated: July 11, 2014

Respectfully submitted,

NICOLETTI LAW, PLC

By: /s/ Paul J. Nicoletti  
Paul J. Nicoletti, Esq. (P-44419)  
33717 Woodward Ave, #433  
Birmingham, MI 48009  
Tel: (248) 203-7800  
E-Fax: (248) 928-7051  
Email: [paulnicoletti@gmail.com](mailto:paulnicoletti@gmail.com)  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 11, 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/ Paul J. Nicoletti