

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

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MALIBU MEDIA, LLC,	:	
	:	Civil Action No. 2:13-cv-05486-LFR
Plaintiff,	:	
	:	
vs.	:	
	:	
JOHN DOE subscriber assigned IP address	:	
76.124.31.253,	:	
	:	
Defendant.	:	
-----X	:	

PLAINTIFF’S SECOND 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 September 24, 2013, 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 September 25, 2013, and expected to receive the ISP’s response by November 12, 2013.

3. To date, Plaintiff has not received a response to the subpoena because Defendant filed a Motion to Quash Plaintiff’s subpoena which was denied by the Court [CM/ECF 7 & 11]. Upon receipt of the Order denying the motion, Plaintiff requested that the ISP comply with the

subpoena and release the identifying information of the Defendant and is awaiting the ISP's response.

4. Pursuant to this Court's order dated January 23, 2014, Plaintiff has until today, February 24, 2014, to effectuate service of the summons and Complaint upon Defendant. As Plaintiff does not yet know Defendant's true identity, it has 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 by an additional thirty (30) days, or until March 26, 2014.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendant be extended until March 26, 2014. A proposed order is attached for the Court's convenience.

Dated: February 24, 2014

Respectfully submitted,

FIORE & BARBER, LLC

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 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/ Christopher P. Fiore