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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 MALIBU MEDIA, LLC,
10 Plaintiff,

No. C 15-04159 WHA

11 v.

12 JOHN DOE SUBSCRIBER ASSIGNED IP
13 ADDRESS 69.181.25.79,
14 Defendant.

**ORDER EXTENDING
DEADLINE TO EFFECTUATE
SERVICE OF PROCESS**

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16 Plaintiff commenced this action on September 11, 2015. Pursuant to Rule 4(m), the
17 deadline to effectuate service of process was January 11, 2016. On October 18, 2015, an order
18 granted plaintiff's request to serve a third-party subpoena on defendant's Internet provider,
19 Comcast, in order to obtain defendant's identifying information. Plaintiff received defendant's
20 identifying information from Comcast on December 14. On January 6, plaintiff moved to file
21 under seal its amended complaint, proposed summons, and return of service, which motion was
22 granted on January 7. The order granting plaintiff's sealing motion also extended the deadline
23 to effectuate service to January 15. On January 15, plaintiff sought to further extend the
24 deadline to effectuate service by forty-five days because it had not yet received a mailed copy
25 of the unredacted summons to be served on defendant.


26 Defendant had thirty-two days to serve defendant from the date it received Comcast's
27 response and offers an inadequate explanation for its failure to do so within that time period.
28 Specifically, plaintiff avers, without any details, that it "conducted a thorough investigation of
the information provided" by Comcast. Further, plaintiff notes that it had to move to file under
seal its amended complaint, proposed summons, and return of service before it can serve

1 defendant, which motion it filed twenty-three days after receiving defendant's identifying
2 information. Finally, plaintiff notes it had to wait to receive a mailed copy of the unredacted
3 summons before it could effectuate service.

4 In the Court's judgment, four weeks following the receipt of defendant's identifying
5 information should be plenty enough time to effectuate service unless defendant is dodging
6 service. Nevertheless, this order hereby extends the deadline to effectuate service to **JANUARY**
7 **29, 2016**. Going forward, plaintiff must serve the defendants in its other cases within the 120
8 days provided in Rule 4(m) (90 days for cases filed after the 2015 amendments to the Federal
9 Rules of Civil Procedure took effect) or four weeks from receiving the identifying information
10 from the defendant's Internet provider.

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12 **IT IS SO ORDERED.**

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14 Dated: January 19, 2016.

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17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE
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