

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 15-04173 WHA

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 98.207.153.167,
Defendant.

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

Plaintiff commenced this action on September 11, 2015. Pursuant to Rule 4(m), the deadline to effectuate service of process was January 11, 2016. On October 18, 2015, an order granted plaintiff's request to serve a third-party subpoena on defendant's Internet provider, Comcast, in order to obtain defendant's identifying information. While the subpoena was pending, counsel for the above-named Internet subscriber contacted plaintiff and informed it that the alleged infringer was a tenant of the subscriber and offered to provide the tenant's identifying information. Plaintiff received that information no later than December 17. On January 11, plaintiff sought to extend the deadline to effectuate service of process by forty-five days.

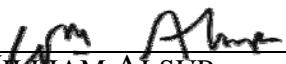
Plaintiff had twenty-five days to serve defendant from the date it received the tenant's identifying information, and it has not yet moved to file under its amended complaint, proposed summons, and return of service, as it must before it can serve defendant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

IT IS SO ORDERED.

Dated: January 19, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE