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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

No. C 15-04280 WHA

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 69.181.126.175,**ORDER GRANTING SEALING
MOTION AND EXTENDING
DEADLINE TO EFFECTUATE
SERVICE OF PROCESS**Defendant.

Plaintiff commenced this action on September 18, 2015. Pursuant to Rule 4(m), the deadline to effectuate service of process was January 18, 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. Plaintiff received defendant's identifying information from Comcast on December 14. On January 19, plaintiff moved to file under seal its amended complaint, proposed summons, and return of service, and also sought to extend the deadline within which to effectuate service by forty-five days.

Defendant had thirty-five days to serve defendant from the date it received Comcast's response and offers an inadequate explanation for its failure to do so within that time period. 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 defendant, which motion it filed thirty-six days after receiving defendant's identifying

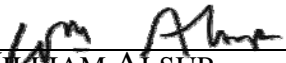
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information, after the deadline to effectuate service had passed. Finally, plaintiff notes it had to wait to receive a mailed copy of the unredacted summons before it could effectuate service.

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. Nevertheless, this order hereby **GRANTS** plaintiff's sealing motion and 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