

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DOE I and DOE II,

Case No. 3:07CV00909 (CFD)

Plaintiffs,

v.

June 19, 2008

Unknown Individuals,

EMERGENCY RELIEF REQUESTED

Defendants.

MOTION FOR EXTENSION OF TIME TO SERVE COMPLAINT

Plaintiffs DOE I and DOE II move the Court to allow them an additional 45 days to file and serve their Second Amended Complaint ("SAC"). The current due date is June 23, 2008 (the Court granted Plaintiffs until June 21, 2008, which is a Saturday, to file and serve the SAC; Federal Rule of Civil Procedure 6 extends that due date to June 23). This Court previously granted Plaintiffs two extensions of time to serve the First Amended Complaint, one until April 21, 2008 and another until June 21, 2008. The basis of this motion is as follows:

1. Last Friday, this Court issued an order denying John Doe 21's Motion to Quash Plaintiffs' Subpoena and John Doe 21's Motion to Proceed Anonymously (doc. # 48). Plaintiffs are now able to use the information disclosed by AT&T, the entity that Plaintiffs subpoenaed. Plaintiffs recently learned that the subscriber disclosed by AT&T is not John Doe 21 ("AK47"), but likely knows his identity. Plaintiffs plan to serve the AT&T subscriber with a subpoena for documents and deposition testimony, and then serve similar discovery on AK47. Plaintiffs cannot complete this discovery before June 21, 2008.

2. In addition, Plaintiffs are close to identifying five additional pseudonymous defendants in this case. Specifically, Plaintiffs are in the process of scheduling a deposition with one pseudonymous defendant, who initially agreed to sit for deposition this week but just a few

days ago demurred. Plaintiffs have also been making diligent efforts to serve another pseudonymous defendant, who appears to be dodging service. Plaintiffs have discovered the identities of three additional pseudonymous defendants, and are very close to deciding whether to name these individuals as defendants.

3. In the interest of judicial economy, Plaintiffs request additional time to complete their investigation regarding these six defendants, before moving to amend. It would be more efficient to name all the defendants at once, proceed with the Rule 26(f) conference, and then participate in a single joint Case Management Conference, rather than name certain defendants now and then have to seek the Court's leave to amend to name other defendants six weeks later.

4. For the reasons stated above, Plaintiffs respectfully request an additional 45 days, or until August 7, 2008, to file and serve their complaint on the defendants then identified.

5. Because the deadline for filing and serving the SAC is June 23, 2008, Plaintiffs request that the Court consider the merits of this motion on an expedited basis.

Dated: June 19, 2008

PLAINTIFFS DOE I AND
DOE II

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