

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PATRICK COLLINS, INC.,

Plaintiff,

v.

Case No: 2:12-cv-402-Ftm-99SPC

JOHN DOES 1-31,

Defendants.

ORDER

This matter comes before the Court on Plaintiff's Fourth Motion for Extension of Time within Which it Has to Serve Defendants with a Summons and Complaint (Doc. #17) filed on February 20, 2013. Plaintiff moves the Court for a thirty day extension to serve the Defendants a summons and Complaint.

On July 26, 2012, Plaintiff Patrick Collins, Inc. filed the instant copyright infringement action (Doc. #1) alleging that each John Doe Defendant is liable for direct copyright infringement in violation of 17 U.S.C. § § 106 and 501 and contributory copyright infringement. On August 29, 2012, Plaintiff served each internet service provider (ISP) with a third party subpoena requesting information identifying the John Doe Defendants so that Plaintiff may complete service of process on them. Plaintiff states it has received a response from each ISP except Verizon, who objected to Plaintiff's subpoena. Plaintiff states that it has resolved this objection with Verizon and that Verizon has agreed to release its responses to Plaintiff by February 25, 2013. However, the deadline to complete service of process on all John Doe Defendants is February 20, 2013. (Doc. #16). As such, Plaintiff requests thirty days extension

of time to effectuate service of a summons and Complaint on the remaining John Doe Defendants.

Fed. R. Civ. P. 4(m) reads in pertinent part:

If a defendant is not served within 120 days after the complaint is filed, the court-- on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In this instance, the Court finds goods cause and grants Plaintiff's request for an extension to time to effectuate service on the remaining John Doe Defendants. Plaintiff shall have an additional thirty days to serve Defendants with a summons and Complaint. However, the Court strongly encourages Plaintiff to complete service of a summons and Complaint on Defendants within the requested thirty days, as this is Plaintiff's fourth motion requesting additional time to do so.

Accordingly, it is now **ORDERED**:

Plaintiff's Fourth Motion for Extension of Time within which it has to Serve Defendants with a Summons and Complaint (Doc. #17) is **GRANTED**. Plaintiff shall have an additional **thirty (30) days** or until **March 25, 2013** to effectuate service of a summons and Complaint on Defendants.

DONE and **ORDERED** in Fort Myers, Florida this 21th day of February, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record