

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

BICYCLE PEDDLER, LLC,

Plaintiff,

v.

Case No. 6:13-cv-595-ORL-37TBS

DOE 35,

Defendant.

ORDER

Pending before the Court is Plaintiff's Motion for Extension of Time to Serve Defendant (Doc. 16).

Plaintiff filed this lawsuit on April 11, 2013, alleging copyright infringement and contributory copyright infringement under the United States Copyright Act of 1976, as amended. (Doc. 1). Because the identity of the Defendant was unknown, the Court granted Plaintiff leave to take discovery in advance of the case management conference required by Fed. R. Civ. P. 26(f) and M.D. Fla. 305(c)(2)(B). (Docs. 2, 8). Plaintiff discovered the identity of Defendant on August 9, 2013. (Doc. 16, ¶ 4). Since that time, Plaintiff has been in communication with Defendant and its counsel. (Id., ¶¶ 5-10). Settlement dialogue was delayed while Defendant's lawyer was out on maternity leave. (Id., ¶¶ 7-8). Now, Defendant is reportedly in the process of determining whether there is insurance coverage for Plaintiff's claim. (Id., ¶¶ 10-11). Plaintiff is requesting an enlargement of time until January 31, 2014 to amend its complaint and serve Defendant in hopes that the case will be resolved before that is

necessary. (Id., ¶ 11). Today is the current deadline for Plaintiff to serve Defendant. (Doc. 15).

The Court appreciates the parties' efforts to settle and avoid litigation expense and the use of judicial resources. It also appreciates that Defendant may be desirous of anonymity. But, if the motion is granted then it is conceivable that this case will surpass the 9 month mark without the Defendant having been served and having appeared. The Federal Rules of Civil Procedure are intended to be construed and administered to obtain "the just, speedy and inexpensive determination of every action and proceeding. FED. R. CIV. P. 1. The Local Rules for the Middle District of Florida clearly state the Court's goal to try all Track Two Cases within two years after the filing of the complaint and that most such cases will be tried within one year after the complaint is filed. M.D. Fla. 3.05(c)(2)(E). The parties have had more than enough time to settle this dispute quietly and without litigation expense. The time has come for the Court to begin moving this matter to conclusion. Accordingly, the motion is GRANTED such that Plaintiff has 14 days from the rendition of this Order within to file its amended complaint and serve the Defendant. In all other respects, the motion is DENIED.

DONE AND ORDERED in Orlando, Florida, on October 31, 2013.


THOMAS B. SMITH
United States Magistrate Judge

Copy to Counsel