

JACQUELINE M. JAMES, ESQ.

THE JAMES LAW FIRM
445 HAMILTON AVENUE
SUITE 1102
WHITE PLAINS, NY 10601
T: (914) 358 6423
F: (914) 358 6424

JJAMES@JACQUELINEJAMESLAW.COM
JACQUELINEJAMESLAW.COM

August 28, 2024

The Honorable Sarah L. Cave
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Plaintiff's request at ECF No. 11 is **GRANTED**, and the deadline for it to effectuate service is **EXTENDED** up to and including **January 4, 2025**.

The Clerk of Court is respectfully directed to close ECF No. 11.

SO ORDERED. August 29, 2024


SARAH L. CAVE
United States Magistrate Judge

Re: 1:24-cv-04126-AKH-SLC; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant

Dear Judge Cave,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On May 30, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 74.71.233.196 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

On June 7, 2024, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On June 25, 2024, the Court granted Plaintiff leave to serve a third-party subpoena. Plaintiff served Defendant's ISP with a third-party subpoena on or about July 1, 2024, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about November 5, 2024.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than August 28, 2024.

Because Plaintiff does not expect to receive the ISP response until November 5, 2024, and Defendant's identity is unknown to Plaintiff at this time, Plaintiff is unable to comply with the current deadline to effect service of process.

Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from November 5, 2024 (the date Plaintiff expects to receive the ISP response), and thus the deadline to effect service be extended to January 4, 2025. This extension should allow Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint to name the Defendant and attempt to effect service of process on that individual.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to January 4, 2025.

Respectfully Submitted,

By: /s/Jacqueline M. James
Jacqueline M. James, Esq. (1845)
The James Law Firm, PLLC
445 Hamilton Avenue, Suite 1102
White Plains, New York 10601
T: 914-358-6423
F: 914-358-6424
jjames@jacquelinejameslaw.com