

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UN4 PRODUCTIONS, INC.,

Plaintiff,

V.

DIMITRIA OMELCO, *et al.*,

Defendants.

Case No. C17-0786RSL

ORDER DENYING SECOND
MOTION FOR EXTENSION OF
TIME

This matter comes before the Court on plaintiff's "Motion for Additional Time to Attempt Process Service." Dkt. # 27. It can be challenging to meet the 90 day service deadline in BitTorrent cases where plaintiff must first conduct discovery from the ISP before it can identify, name, and serve the defendant. It can be done, however, and the Court has repeatedly indicated that it expects at least a good faith effort to comply with the service deadline. In this case, the Court has already granted a three week extension of the service deadline to allow for personal service if defendants refused to waive.

Plaintiff asserts that defendant Sylvia T. Falngin “elected not to return the request for waiver” of service under Fed. R. Civ. P. 4(d). Dkt. # 27 at 1. There is no evidence that a waiver was sent to this defendant, however, much less that it was sent in a timely manner. The only evidence of attempted service in the record shows that plaintiff engaged a process server two weeks before the extended deadline for service. The process server attempted service for five days, and all attempts ended on August 29, 2017, nine

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1 days before the service deadline. Plaintiff has not shown good cause for a second
2 extension of time. The claims against Ms. Falngin are DISMISSED.

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4 Dated this 19th day of October, 2017.

5 Robert S. Lasnik

6 Robert S. Lasnik
7 United States District Judge