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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ME2 PRODUCTIONS, INC.,

Plaintiff,

v.

DAVID MATENDO, *et al.*,

Defendants.

Case No. C17-1220RSL

ORDER EXTENDING TIME IN
WHICH TO SERVE

This matter comes before the Court on plaintiff’s motion for an extension of time in which to serve the complaint. Dkt. # 13. A party generally has 90 days after a complaint is filed in which to serve the defendant. Fed. R. Civ. P. 4(m). It can be challenging to meet this deadline in BitTorrent cases where plaintiff must first conduct discovery from the ISP before it can identify and serve the defendant. It can be done, however, and the Court expects a good faith effort to comply with the service deadline. As is normal in these cases, there was a slight delay in receiving the ISP’s response. In addition, plaintiff chose to spend ten days pursuing informal discovery and/or settlement negotiations before utilizing the waiver of service procedure set forth in Fed. R. Civ. P. 4(d). The waivers are due three days before the original service deadline, and plaintiff seeks a limited extension in which to accomplish personal service if necessary.

The Court has in the past found that an extension of the service deadline may be warranted even where plaintiff delays service for 7-14 days while it communicates with

1 the putative defendants about the case. These communications seek information, if not
2 admissions, from the individuals identified by the ISPs, however, and exceed the narrow
3 authorization for preliminary discovery that was granted at the beginning of this case. Not
4 only are they unsanctioned, they are typically the hurdle that precludes timely service.
5 Going forward, delays arising from unsanctioned communications with defendants will
6 preclude a finding of good cause for an extension of the service deadline. Because
7 application of that rule in this case would be unnecessarily punitive, a brief extension of
8 the service deadline, until November 29, 2017, will be granted to file proofs of
9 waiver/service as to all defendants or a second motion for extension of time detailing the
10 efforts made to accomplish service.

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12 Dated this 26th day of October, 2017.

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15 Robert S. Lasnik
16 United States District Judge
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