

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01726-WYD-CBS

VIDEO PROFESSOR, INC., a Colorado corporation,

Plaintiff,

v.

JOHN AND JANE DOES 1 THROUGH 100,
JOHN DOE CORPORATIONS 1 THROUGH 10, and
OTHER JOHN DOE ENTITIES 1 THROUGH 10,
all whose true names are unknown,

Defendants.

MOTION TO EXTEND TIME TO SERVE DEFENDANTS

Plaintiff, Video Professor, Inc. ("VPI"), through counsel, pursuant to Fed.R.Civ.P. 4(m) moves the Court for an order extending the 120-day time limit for service of the summons and complaint, and states:

1. VPI issued subpoenas in early September 2007 to infomercialscams.com, ripoffreport.com, and Wikipedia for identifying information regarding the persons having posted anonymous defamatory remarks about VPI on these Web sites.

2. VPI is withdrawing its subpoenas to infomercialscams.com and ripoffreport.com.

3. Wikipedia failed to respond to its subpoena served out of the Middle District of Florida. In this case, VPI moved the Florida Court on September 26, 2007 for an order requiring

Wikipedia to show cause why it should not be held in contempt. A hearing on the show cause was scheduled for December 20, 2007.

4. On November 29, 2007, Wikipedia produced the subpoenaed information and, thereafter, the show cause hearing was vacated.

5. The information produced by Wikipedia consisted of IP addresses requiring additional subpoenas to be issued to the Internet service providers (ISP) of the owners of these IP addresses to provide the names and physical addresses of these owners.

6. On December 12, 2007, VPI served the ISP–Comcast Cable Communications– with a subpoena for identifying information relating to the most flagrantly defamatory anonymous poster on Wikipedia. The return date on the subpoena for the document production is December 21, 2007. Undersigned counsel has left two telephone messages with Comcast to determine whether the subpoenaed information will be produced timely.

7. If Comcast timely produces the subpoenaed information, VPI will be in a position to serve the defendant with its Amended Complaint on or before January 14, 2008. If hearings are required, VPI is hopeful it will be in a position to serve the defendant by February 15, 2008.

8. For this reason, VPI seeks an extension of 30 days in the event the documents are timely produced by December 21, 2007, or 60 days otherwise.

9. A proposed Order is submitted herewith for the Court's convenience.

Wherefore, VPI moves the Court pursuant to Fed.R.Civ.P. 4(m) for a 30-day extension up to and including January 14, 2008, within which time to serve the defendants in the event Comcast Cable Communications timely produces the subpoenaed information, or for a 60-day extension to and including February 15, 2008 if the documents are not timely produced.

Respectfully submitted this 14th day of December 2007.

s/ Gregory C. Smith _____

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