

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE, subscriber assigned IP  
address 98.220.153.245

Defendant.

Cause No. 2:13-CV-097

**SECOND MOTION FOR EXTENSION OF TIME**

Comes now Defendant, JOHN DOE, subscriber assigned IP address 98.220.153.245, by counsel Fred W. Grady, and pursuant to Fed. R. Civ. P. 6(b)(1) and N.D. Ind. L.R. 6-1(a) moves the Court for entry of an order further extending the time to respond to Plaintiff's Motions to Strike Affirmative Defenses and to Dismiss Defendant's Counterclaims, and in support of said Motion, states as follows:

1. That on November 22, 2013, Defendant John Doe, subscriber assigned IP address 98.220.153.245 filed a Motion for Extension of Time to respond to Plaintiff's Motions to Strike Affirmative Defenses and to Dismiss Defendant's Counterclaims on the basis and reasons set forth therein. [Doc 33].

2. That pursuant to Defendant's counsel's consultations with other intellectual property copyright counsel and subsequent contacts between respective counsel for each of the parties herein, concerning the nature and extent of the factual basis of Plaintiff's copyright infringement contentions and possible involvement of unnamed third parties and alleged defenses thereto, the

parties have entered into settlement discussions, subject to economic and other considerations on behalf of the named Defendant, who is an eighty (80) year old female.

3. That counsel for Defendant, Fred Grady contacted Plaintiff's counsel, Paul Nicoletti, on December 14, 2013, and was advised by said counsel that his client, Malibu Media, LLC, has no objection to a second extension of time for filing responses to Plaintiff's Motions to Strike Affirmative Defenses and to Dismiss Defendant's Counterclaims for a period of one (1) week to complete the above-referenced settlement negotiations.

4. That pursuant to Defendant's counsel's necessary involvement during the week of December 9, 2013, in the completion of an extensive pleading and memorandum in State v. Reggie Balentine pending before the Howard Superior Court in Kokomo, Indiana, involving proceedings in four (4) felony cause numbers filed over a period of three (3) years commencing in November 2009, on which said Defendant has been incarcerated since December 2, 2009, and in other matters scheduled for the week of December 16, 2013, including a Pretrial Conference and hearings in LaPorte Superior Court No. 3 in LaPorte, Indiana on December 18, 2013, and in Lake Superior Court in Hammond, Indiana, and the U.S. District Court in Hammond, Indiana on December 20, 2013, as well as other client non-litigation matters requiring his attention through December 20, 2013, and said counsel's scheduled departure on Sunday, December 22, 2013, to Reston, Virginia, for the Christmas holiday through Saturday, December 28, 2013, Defendant's counsel requests a second extension of time to complete the above-referenced negotiations, and if necessary to file Defendant's responses to Plaintiff's Motions to Strike Affirmative Defenses and to Dismiss Defendant's Counterclaims, for purposes of completing the above-referenced settlement negotiations in an effort to avoid the possible unnecessary time and expense required for the completion of filings and proceedings on Plaintiff's Motions.

WHEREFORE, Defendant JOHN DOE, subscriber assigned IP address 98.220.153.245, respectfully requests an additional eighteen (18) days to respond to Plaintiff's Motions to Strike Affirmative Defendants and Strike Defendant's Counterclaim for filing on or before January 3, 2014.

Respectfully submitted,

/s/ Fred W. Grady

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750 S. Washington Street  
Valparaiso, Indiana 46383  
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ATTORNEY FOR DEFENDANT  
JOHN DOW, subscriber assigned IP  
address 98.220.153.245

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 16th day of December, 2013, he caused a full and complete copy of Defendant's Second Motion for Extension of Time, to be filed electronically with the U.S. District Court for the Northern District of Indiana, Hammond Division, with notice to be sent to opposing counsel for access by and through the Court's electronic filing system, and by e-mail transmission.

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/s/ Fred W. Grady  
FRED W. GRADY