

Exhibit A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

San Francisco

MALIBU MEDIA, LLC,

Plaintiff,

vs.

JOHN DOE subscriber assigned IP address
 73.223.203.152,

Defendant.

Case Number: 3:15-cv-04287-WHA

**PLAINTIFF'S PROPOSAL FOR
 STREAMLINING PROCEDURE**

Plaintiff Malibu Media LLC ("Plaintiff"), by and through undersigned and pursuant to CM/ECF 26, files this Proposal and states:

1. Plaintiff has filed, and has pending, a number of copyright infringement actions, each one concerning the use of the Internet and the BitTorrent file-sharing protocol to unlawfully download and redistribute Plaintiff's copyrighted works. Since Plaintiff initially knows its copyright infringer only by an Internet Protocol address, this Court authorizes Plaintiff to subpoena an Internet Service Provider to learn the identity of the subscriber assigned the infringing IP address. Typically, Your Honor directs Plaintiff to effectuate service pursuant to Rule 4(m) within 30 days of obtaining this information. *See* No. 3:15-cv-04248, D.E. 17.

2. Unfortunately, 30 days has almost never been adequate for Plaintiff because it typically takes Plaintiff approximately 20 days just to get the appropriate documents to its process servers,¹ and its process servers have been generally unsuccessful in effectuating

¹ To explain, upon receiving the identity of a subscriber assigned an infringing IP address, Plaintiff has to investigate the subscriber vis-à-vis Plaintiff's presuit evidence to ascertain whether Plaintiff will proceed against

1 service with only a week's time (probably due in large part to the fact that Plaintiff's defendants
2 are aware of these lawsuits and are given advance notice and opportunity to evade service).

3 3. As a result of the delays, Plaintiff's Counsel has found itself spending lots of
4 time filing motions to extend its service deadlines pursuant to Rule 4(m). In light of the
5 aforementioned delays, and since the Court has typically only extended Plaintiff's 4(m)
6 deadline by seven to ten days at a time, renewed 4(m) motions are becoming the norm.

7 4. To ease the burden on Plaintiff's Counsel and the Court—and to better
8 streamline the 4(m) issues in Plaintiff's cases—Plaintiff proposes the issuance of a standing
9 order either (1) granting Plaintiff fifty five (55) days to effectuate service of process upon
10 learning the identities of the subscribers assigned the IP addresses recorded infringing Plaintiff's
11 works or (2) granting Plaintiff forty five (45) days to effectuate service of process upon the
12 Clerk issuing the requisite unredacted summonses. Plaintiff believes that either standing order
13 will greatly reduce the number of 4(m) motions that Plaintiff files, and will best reserve those
14 motions for extenuating circumstances. This proposal will certainly not prejudice the Court or
15 Plaintiff's defendants, but, to the contrary, will inure to everyone's benefit.

16 WHEREFORE, Plaintiff requests that the Court enter a standing order consistent with
17 the ones mentioned herein or schedule a telephonic status conference to discuss same.

18 Dated: February 16, 2016.

19 HEIT ERLBAUM, LLP

20 /s/ Brenna Erlbaum
21 BRENN ERLBAUM, ESQ

22 the subscriber or someone else who may have been utilizing the subscriber's Internet to infringe Plaintiff's works.
23 This process typically takes Plaintiff three days. Then, it generally takes Plaintiff's Counsel an additional two to
24 three days to prepare and file the following documents: (1) an Administration Motion for Leave to File Under Seal;
25 (2) a Declaration of Attorney; (3) an unredacted Amended Complaint, together with unredacted exhibits; (4) a
26 redacted Amended Complaint, together with redacted exhibits; (5) redacted and unredacted proposed summonses;
27 and (6) a proposed order. It usually takes an additional day for Your Honor to review and grant Plaintiff's
28 Administrative Motions for Leave. Two to five days thereafter, the Clerk issues unredacted summonses. Then, the
Clerk mails stamped copies of the unredacted summonses to Plaintiff's Counsel and, based on past experience, it
has taken around six to ten days for Plaintiff's Counsel to receive same. Upon receipt, Plaintiff then takes an
additional day to review the unredacted summonses for accuracy, prepare the necessary cover letters and
instructions, and deliver the documentation to its process servers so that service of process may be made.