

No. 16-3628

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

MALIBU MEDIA LLC,
Plaintiff-Appellee.

v.

DAVID RICUPERO,
Defendant-Appellant,

On Appeal from the United State District Court
for the Southern District of Ohio

**DEFENDANT-APPELLANT’S MOTION FOR AN EXTENSION OF TIME TO
ALLOW THE DISTRICT COURT TO SUPPLEMENT THE RECORD**

Defendant-Appellant David Ricupero, pursuant to Fed.R.App.P. 26 and Sixth Circuit Rule 26, respectfully requests an extension of time, to and including Friday, October 28, 2016, in which to allow the district court to supplement the record and Appellant to file his brief in this case.

1. The brief for the Appellant is currently due on September 23, 2016.
2. Appellant has requested the district court make certain material proceedings part of the record or otherwise include them in greater detail. R.94, *Oct. 26 Conference Supplement*; R.95, *Apr. 16 Conference Supplement*; R.96, *Modification of Record*; and R.97, *Designation of Record*.
3. The Appellee has not opposed the requests and the time to do so has passed.
4. The district court has not yet responded to Appellant’s requests.
5. Subject to specified limitations not applicable to the present Motion, Fed. R. App. P. 26(b) provides that, for good cause, the Court “may extend the time prescribed

by these rules or by its order to perform any act, or may permit an act to be done after that time expires.”

6. The requested extension is necessary to allow the district court adequate opportunity to supplement the record and allow the Appellant to include those additions in his opening brief.

Dated: September 22, 2016

Respectfully submitted,

/s/ Jason E. Sweet

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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2016, a copy of the foregoing Defendant-Appellant’s Motion for Extension of Time to File Brief and this Certificate of Service were filed electronically with the United States Court of Appeals, and notice will be sent by operation of the Court’s electronic filing system to counsel of record.