

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, September 23, 2016, in which to supplement the record and file his brief in this case.

1. The brief for the Appellant is currently due on August 26, 2016.
2. Appellant is requesting the district court make certain material proceedings part of the record or otherwise include them in greater detail.
3. 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.”
4. The requested four-week 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: August 25, 2016

Respectfully submitted,

/s/ Jason E. Sweet

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 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.