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

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Sheila Roundtree; and Major Walters,)

No. CV-09-269-PHX-DGC

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Plaintiffs,)

ORDER

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vs.)

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US Collections West, Inc.; Donald Darnell; and Alan H. Zimmerman Esq.,)

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Defendants.)

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Defendants US Collections West (“USCW”) and Donald Darnell have filed motions to dismiss pursuant to Rule 12(b)(5) for insufficiency of service of process. Dkt. ##59, 60. Defendants assert that Darnell is the statutory agent for USCW and Plaintiffs therefore failed to properly serve process on Defendants by leaving the complaint and summonses with an employee of USCW, Kay Kasey. See Dkt. ##8, 11. Defendants argue that dismissal is appropriate because the 120-day limit set forth in Rule 4(m) has expired.

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In an order issued on July 16, 2009, the Court granted Plaintiffs’ motion for an extension of time to serve process on Darnell, finding that Plaintiffs had made a good faith attempt to serve him. Dkt. #57 at 6. The Court granted Plaintiffs until August 21, 2009 to serve Darnell. *Id.* Because it appears that Plaintiffs’ efforts to serve USCW also were unsuccessful, the Court will grant the same extension of time with respect to USCW. The Court will deny Defendants’ motions without prejudice.

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IT IS ORDERED:

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1. Plaintiffs have until **August 21, 2009** to complete service on both US

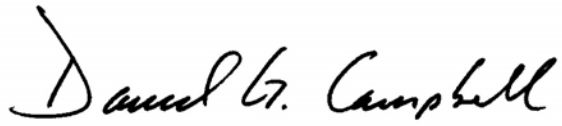
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Collections West and Donald Darnell.

2. Defendants' motions to dismiss (Dkt. ##59, 60) are **denied** without prejudice.

3. Defendants' request for oral argument is **denied**.

DATED this 22nd day of July, 2009.



David G. Campbell
United States District Judge