

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

In re:	:	MDL Docket No. 4:03CV1507-WRW
	:	4:05CV01559
PREMPRO PRODUCTS LIABILITY LITIGATION	:	
	:	
PATRICIA MUNZ	:	PLAINTIFF
	:	
v.	:	
	:	
WYETH, et al.	:	DEFENDANTS

ORDER

Pending are Defendants’ Motions to Dismiss for Failure to Timely Service Summons and Complaint (Doc. Nos. 5, 8). Plaintiff has responded (Doc. No. 9).

Defendants contend that they were never properly served under Rule 4. Although Plaintiff attached to her response copies of the documents she allegedly served on Defendants, there is nothing to indicate Defendants ever received the documents -- for example, Defendants’ agents’ signatures are absent from the Waiver of Service of Summons forms.

Nevertheless, Defendants’ Motions to Dismiss for Failure to Timely Service Summons and Complaint (Doc. Nos. 5, 8) are DENIED. However, within thirty days of the date of this Order, Plaintiff must properly serve Defendants under Federal Rule of Civil Procedure 4.

IT IS SO ORDERED this 24th day of November, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE