

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

**VALENTINO V. WARREN**

**PLAINTIFF**

**VS.**

**NO. 4:12CV00549**

**KRISPY CREME DOUGHNUTS  
HAL SMITH RESTAURANT GROUP  
CHARLESTON'S RESTAURANT GROUP  
A-OK, L.L.C., and  
HS-REAL ESTATE**

**DEFENDANTS**

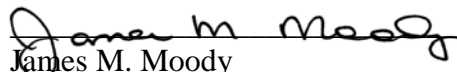
**ORDER**

Pending is Defendants' motion to dismiss. (Docket # 23). Plaintiff has filed a response. Defendants argue that service on Separate Defendants A-Ok, LLC, HS-Real Estate, Hal Smith Restaurant Group and Charleston's Restaurant Group was untimely. The Court will grant Plaintiff an additional ninety (90) days, nunc pro tunc, or up to an including April 17, 2013, to correct any errors in service of process.

Defendants also assert that Separate Defendants Krispy Kreme Doughnuts, Hal Smith Restaurant Group and Charleston's Restaurant Group should be dismissed because they are not proper Defendants. Because the consideration of this issue requires the Court to consider matters outside the pleadings, Defendants' motion to dismiss is denied. Defendants may reassert these arguments in a Motion for Summary Judgment.

Accordingly, Defendants' motion is DENIED.

IT IS SO ORDERED this 8<sup>th</sup> day of March, 2013.

  
James M. Moody  
United States District Judge