

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

AMERICAN SAFETY CASUALTY
INSURANCE COMPANY

PLAINTIFF

v.

No. 4:15-cv-700-DPM

WHITE CONSTRUCTION & CONCRETE CO INC
and DANIEL W WHITE, Individually

DEFENDANTS

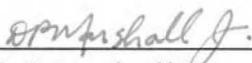
ORDER

Despite diligent inquiry during March and May 2016, American Safety has been unable to locate Daniel White to serve him with the complaint and summons. *No 8-1*. American Safety may therefore proceed with constructive service by warning order. This is the best that can be done in the circumstances; and it's consistent with due process and the Federal Rules. *Mullane v. Central Hanover Bank & Trust Company*, 339 U.S. 306, 317 (1950); FED. R. CIV. P. 4(e)(1). American Safety must follow the terms of Arkansas Rule of Civil Procedure 4(f) exactly – and then some. The company must take extra steps that, considering all the circumstances, are needed to maximize the chance White will get notice of the lawsuit. *Mullane*, 339 U.S. at 314. In addition to the required mailings to White's last known addresses, and publication in the *Arkansas Democrat-Gazette* (a newspaper circulated

statewide), American Safety must also have the warning order twice published in local newspapers in Hot Springs and Fayetteville, the cities where White apparently lived last.

American Safety's time to serve White, which has expired while the company was trying to locate him, is extended for good cause until 31 October 2016. FED. R. CIV. P. 4(m). The motion, No 8, is granted. The draft warning order, No 8-2, is approved with minor changes. Please send it to chambers now in WordPerfect or Microsoft Word format; the Court will make the changes and have the Clerk issue the Order.

So Ordered.



D.P. Marshall Jr.
United States District Judge

14 September 2016