

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

MICHELLE A. DYER, an individual

Plaintiff,

v.

Case No: 2:11-cv-577-FtM-38DNF

HARBOR FUNDING GROUP, INC. and  
MICHAEL D. GARBER,

Defendants.

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**ORDER**

This matter comes before the Court on Plaintiff's Response to Order to Show Cause as to Why Defendants Michael Garber, Esq. and Harbor Funding Group, Inc. Should not be Dismissed for Failure to Prosecute and Request for Extension of Time to Serve Defendants Michael D. Garber and Harbour Funding Group, LLC (Doc. #48) filed on December 25, 2012.

On December 18, 2012, this Court noted that Defendants Michael Garber and Harbor Funding Group, Inc. had not been served. (Doc. #47).<sup>1</sup> Thus, the Court directed Plaintiff to submit a notice voluntarily dismissing the remaining Defendants or to show cause why the remaining Defendants should not be dismissed for failure to serve. (Id.). Plaintiff filed the instant response on December 25, 2012. In it, Plaintiff included a request for extension of time to locate and serve the two Defendants, as well as a request that the Clerk to issue an alias summons as Plaintiff has had difficulty locating the remaining two Defendants. Plaintiff states that she has reason to believe that the two Defendants have been evading service by concealing their whereabouts but states

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<sup>1</sup> The other seven Defendants have been dismissed or have agreed to a judgment.

that she has new information as to their whereabouts. Since December, there has been no activity in the case.

Upon review of the matter, as service upon Defendants Garber and Harbour Funding Group, Inc. has been unsuccessful, the Court finds that issuance of an alias summons is appropriate. In the future, any relief requested from the Court must be done so in a Motion.

Accordingly, it is now


**ORDERED:**

(1) Plaintiff's Response to Order to Show Cause as to Why Defendants Michael Garber, Esq. and Harbor Funding Group, Inc. Should not be Dismissed for Failure to Prosecute and Request for Extension of Time to Serve Defendants Michael D. Garber and Harbour Funding Group, LLC (Doc. #48) is **GRANTED.**

(2) The Clerk is directed to issue an alias summons on Defendant Michael D. Garber, Esq. and Harbour Funding Group, LLC.

(3) Plaintiff shall have up to and including **July 8, 2013** to locate and serve Defendants Michael D. Garber, Esq. and Harbour Funding Group, LLC

**DONE** and **ORDERED** in Fort Myers, Florida this 4th day of June, 2013.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record