

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KERRY BUCHANAN, JANI LEE and
PATRICIA ESPINOSA,

Plaintiffs,

v.

Case No: 2:15-cv-59-FtM-29CM

CAPTAIN DOUG'S BOAT TOURS,
LLC, JOHN STEVEN MARKLEY,
EVERGLADES AIRBOAT
MANAGEMENT LLC,
EVERGLADES AIRBOAT
RESORTS LLC. and
EVERGLADES AIRBOATS AND
SWAMP BUGGIES, LLC,

Defendants.

ORDER

Before the Court is Plaintiffs' Motion for Extension of Time in Which to Serve Second Amended Complaint (Doc. 49), filed on March 22, 2016. By motion, Plaintiffs request an additional 120 days to serve Defendant, John Steven Markey, with the complaint.

Rule 4, Federal Rules of Civil Procedure, requires that service be completed within 120 days of the filing of the Complaint, or the action must be dismissed without prejudice. Fed. R. Civ. P. 4(m). The Second Amended Complaint was filed on December 21, 2015 (Doc. 32), thereby requiring service upon Defendant by April 19, 2016. Upon a showing of good cause, however, the Court may extend the time for service for an appropriate period. Fed. R. Civ. P. 4(m).

As grounds for this motion, Plaintiffs state that service was attempted on March 14, 2016 at the last known address for Defendant but Defendant could not be found. Doc. 49 at 1. Plaintiffs seeks an additional 120 days to locate Defendant, John Steven Markley, and effect service. *Id.* at 2. Counsel for Defendant Markey has no objection to the request. *Id.*

Upon due consideration, the Court finds good cause to grant an extension, but the Court is not inclined to allow Plaintiff 120 days. While the Court recognizes that this is the first request for an extension to serve the Second Amended Complaint, this case has been pending for over a year. *See* Doc. 1. In an effort to keep this case moving forward, the Court will allow Plaintiff 60 days to effectuate service on Defendant Markley.

ACCORDINGLY, it is hereby

ORDERED:

Plaintiffs' Motion for Extension of Time in Which to Serve Second Amended Complaint (Doc. 49) is **GRANTED**. Plaintiffs shall have **up to and including Wednesday, June 20, 2016** to effectuate service on Defendant Markley.

DONE and **ORDERED** in Fort Myers, Florida on this 31st day of March, 2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record