

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

EHR AVIATION, INC., a
Delaware corporation,

Plaintiff,

vs.

CASE NO. 3:09-cv-210-J-32TEM

STARWOOD AVIATION, a
Nevada corporation, and CRAIG
LAWSON, individually,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Enlargement of Time to Obtain Substitute Service of Process on Defendant Craig Lawson (Doc. #13, Motion). For the reasons stated herein, the Motion shall be granted.

Rule 4 of the Federal Rules of Civil Procedure establishes the procedure required to provide a defendant with notice of an action. Pursuant to said Rule, the plaintiff is responsible for effecting service of the summons and the complaint upon each defendant within the time period provided for by Rule 4(m), which is 120 days after the filing of the complaint. Under Rule 4(m), a plaintiff may be given additional time to effectuate service of process if good cause is shown for the failure to serve any defendant within the allotted time period, *supra*. In very limited circumstances, the Court may exercise its discretion to extend the time for service even if "good cause" is not present. See *Thompson v. Brown*, 91 F.3d 20, 21 (5th Cir. 1996).

Here, the Court finds Plaintiff has shown the requisite good cause for being granted additional time to effectuate service of process upon Defendant Craig Lawson. Specifically, Plaintiff maintains that, despite due diligence, it has been unable to locate Mr. Lawson due to his alleged active efforts to conceal his whereabouts (Doc. #13 at 2). Plaintiff provided the Court with evidence of its attempt(s) to locate Mr. Lawson. In particular, Plaintiff filed an invoice from TSI Investigations (a private investigative firm), which shows Plaintiff paid \$187.50 for services rendered in a failed attempt to locate Mr. Lawson (Doc. #13-2). In addition, Plaintiff maintains that its own efforts to locate Mr. Lawson were, likewise, unfruitful (Doc. #13 at 2). Consequently, Plaintiff requests until February 28, 2010, within which to effectuate service of process upon Defendant Craig Lawson.

Having been fully advised of the premises thereof, and for good cause shown, it is hereby **ORDERED**:

1. Plaintiff's Motion for Enlargement of Time to Obtain Substitute Service of Process on Defendant Craig Lawson (Doc. #13) is **GRANTED**.
2. **Plaintiff shall have until February 28, 2010**, within which to effectuate service of process upon Defendant Craig Lawson.

DONE AND ORDERED at Jacksonville, Florida this 16th day of December, 2009.

Copies to all counsel of record



THOMAS E. MORRIS
United States Magistrate Judge