

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

KAHAMA VI, LLC,

Plaintiff,

v.

Case No. 6:12-cv-1922-T-30TBM

HJH LLC,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's Motion to Quash (Dkt. 6) and Plaintiff's Response in opposition (Dkt. 17). The Court, having reviewed the motion, response, and being otherwise advised in the premises, concludes that the motion should be granted.

Defendant HJH LLC ("HJH") moves to quash service because Plaintiff Kahama VI, LLC ("Kahama"), through its agent, served John D. R. Bahng, at his residence, located at 1609 Rockdale Loop, Lake Mary, Florida 32746, as a purported member of HJH. However, John D. R. Bahng, as noted in his affidavit (Dkt. 6-1), is not a member of HJH. Rather, he is the father of John B. Bahng, who is a member of HJH. And, as also noted in John D. R. Bahng's affidavit, his son does not reside with him.

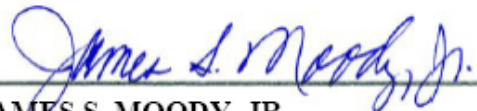
Kahama's response does not address the fact that it mistakenly served John B. Bahng's *father*. And Kahama does not adequately rebut the evidence presented in HJH's

motion that John B. Bahng does not reside at 1609 Rockdale Loop, Lake Mary, Florida 32746. Accordingly, service was improper because a member of HJH was not served at his residence. *See* Fed. R. Civ. P. 4(h).

It is therefore ORDERED AND ADJUDGED that:

1. Defendant's Motion to Quash (Dkt. 6) is granted.
2. Defendant's counsel shall inform Plaintiff's counsel within seven (7) days of this Order if he is willing to accept service on Defendant's behalf. If Defendant's counsel will not accept service, Defendant's counsel shall provide Plaintiff's counsel with John B. Bahng's home address within that same period of time.

DONE and **ORDERED** in Tampa, Florida on February 12, 2013.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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