

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JOYCE OHARA-EKHOLT,

Plaintiff,

v.

CASE NO: 8:10-cv-258-T-23AEP

BEDREY TRIPATHY, et al.,

Defendants.

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**ORDER**

On June 5, 2009, the plaintiff sued Vanguard Car Rental USA, Inc., (“Vanguard”) and Bedrey Tripathy in state court. Vanguard removed, and an August 25, 2009, order dismissed Vanguard. See Ohara-Ekholt v. Vanguard Car Rental USA, Inc., No. 8:09-cv-1338-T-23TBM (M.D. Fla. Aug. 25, 2009). A September 28, 2009, order remands the action to state court. The plaintiff amended the complaint in state court and added Allstate Insurance Company as a defendant. Although nearly ten months have passed since the plaintiff initiated this action, the plaintiff has served neither Tripathy, who is a citizen of India, nor Allstate Insurance Company. Nevertheless, on January 21, 2010, Tripathy removed this action “without waiving the requirement that Plaintiff properly serve Defendant Bedrey Tripathy pursuant to the Hague Convention and all other applicable laws.”

The parties jointly move (Doc. 16) for an extension of time to submit the case management report required by Local Rule 3.05. Because the plaintiff has served neither defendant, the motion (Doc. 16) is **GRANTED**. On or before **May 21, 2010**, the plaintiff shall (1) effect service on the defendants and (2) file with the Clerk proof of

service on each defendant. Because the plaintiff has enjoyed almost a year to effect service, no further extension of time to effect service will be granted. The plaintiff is cautioned that failure to effect service by May 21, 2010, will result in dismissal of this action without further notice. If the plaintiff effects service, the parties shall submit the case management report either within thirty days after service on the first defendant or on June 14, 2010, whichever occurs first.

ORDERED in Tampa, Florida, on March 26, 2010.



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**STEVEN D. MERRYDAY**  
**UNITED STATES DISTRICT JUDGE**