

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

JOHN FABING, et al.,

Plaintiffs,

vs.

CASE NO. 8:12-CIV-2340-T-17-AEP

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

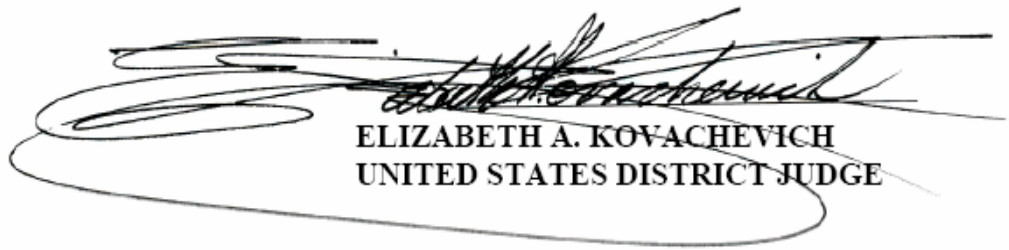
ORDER DENYING MOTION

This cause is before the Court on the plaintiffs' motion for final summary judgment (Doc. 4), filed as an emergency. The Court plaintiffs filed this case on October 15, 2012, but to date have failed to serve the defendants in an appropriate manner. The plaintiffs may not just serve the defendants by mail, which is all they allege in the motion.

They may request waiver of personal service under Rule 4 (d), Fed.R.Civ.P but if the defendants do not agree they must effect personal service. Rule 4, Fed.R.Civ.P. Accordingly, it is

ORDERED that plaintiffs' motion for final summary judgment (Doc. 4), filed as an emergency be **denied**. The plaintiff have not served the defendants properly so entry of a judgment is not appropriate.

DONE and ORDERED in Chambers, in Tampa, Florida, this 29th day of January,
2012.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record