

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

THE BARTRAM, LLC,

Plaintiff,

v.

CASE NO. 1:09-cv-00254-SPM -GRJ

C.B. CONTRACTORS, LLC, and  
CAMBRIDGE BUILDERS  
& CONTRACTORS, LLC,

Defendants.

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C.B. CONTRACTORS, LLC,

Third-Party Plaintiff,

v.

DUFFIELD ALUMINUM d/b/a DHI ROOFING,  
a Florida corporation, FLORIDA STATE  
PLASTERING, LLC,  
a Florida limited liability company,  
LOWRY CONSTRUCTION & FRAMING, INC.,  
a Florida corporation,  
DAI-COLE WATERPROOFING COMPANY, INC.,  
a Georgia corporation,  
FLOOR CRETE ENTERPRISES, INC.,  
a Texas corporation, and  
RIDGWAY ROOF TRUSS CO.,  
a Florida corporation,

Third-Party Defendants.

\_\_\_\_\_ /

**ORDER**

This matter is before the Court upon Third-Party Defendant Dai-Cole  
Waterproofing Company, Inc.'s ("Third-Party Defendant") Motion For Enlargement Of

Time And To Permit Substituted Service Of Process On BK Waterproofing. (Doc. 142.)

Third-Party Defendant represents that it attempted to serve BK Waterproofing, Inc. at the listed address of its registered agent but that the location was vacant. Third-Party Defendant further represents that additional searches in public records and property records have failed to locate either BK Waterproofing, Inc.'s principal or its agent. In addition, although BK Waterproofing, Inc. conducted business in Florida in connection with the construction of the apartment complex that is the subject matter of this dispute, it was not registered with the Florida Department of State and also did not have a registered agent on file with the Florida Department of State's Division of Corporations. Third-Party Defendant thus seeks an additional thirty (30) days from the February 11, 2011 deadline imposed by the Court in the Court's November 15, 2010 Order within which to complete service of process. Third Party Defendant also requests the Court to issue an Alias Summons for service of process through the Georgia Secretary of State.

Accordingly, upon due consideration it is **ORDERED** that:

- (1) Third-Party Defendant Dai-Cole's Motion For Enlargement Of Time And To Permit Substituted Service Of Process On BK Waterproofing (Doc. 142) is **GRANTED**.
2. Third-Party Defendant Dai-Cole Waterproofing Company, Inc. shall complete substituted service of process upon BK Waterproofing, Inc. by **March 14, 2011**.

3. Upon presentation of an Alias Summons directed to BK Waterproofing, Inc. the Clerk is directed to issue the summons.

**DONE AND ORDERED** this 4th day of February, 2011.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge