

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

JEAN M MEADOWS,

Plaintiff,

v.

CASE NO. 1:11-cv-00045-MP-GRJ

CITY OF INGLIS, TIMOTHY LETSON, BRANDON ROBERTS,

Defendants.

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**ORDER**

This matter is before the Court on Doc. 25, Motion to Quash Service of Process by Timothy Letson. On May 17, 2011, plaintiff's process server served the summons and complaint on the adult resident, Rebecca Sammy, at 2821 SW 36<sup>th</sup> Drive, Ocala, Florida 34474. Defendant Letson moves the Court to quash the service of the summons and complaint upon him and argues that he resides in Afghanistan, where he is working as a civilian contractor.

Letson asserts that proper service on an individual in a foreign country is governed by Fed. R. Civ. P. 4 (f), which would require service to be performed via letters rogatory. However, under the Federal Rules, service of the summons and complaint may be effectuated by "leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there . . . ." Fed. R. Civ. P. 4(e). On April 22, 2011, Letson signed a sworn affidavit regarding his child's residence and stated that the child has lived with him at the above residence from 2006 to present. Furthermore, Rebecca Sammy informed the process server that Letson is her fiancé and would be returning home April 2012. These facts are sufficient for the Court to determine that Letson's dwelling or usual place of abode is the above

address. Moreover, “[w]here the defendant receives actual notice and the plaintiff makes a good faith effort to serve the defendant pursuant to the federal rule, service of process has been effective.” *Ali v. Mid-Atlantic Settlement Servs., Inc.*, 233 F.R.D. 32, 35-6 (D.D.C. 1996). Letson has received actual notice of suit, which is evidenced by his direct communication with plaintiff’s counsel’s office. Furthermore, Letson has not been prejudiced by the method of service. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. Defendant’s Motion to Quash Service of Process, Doc. 25, is DENIED.

**DONE AND ORDERED** this 24th day of June, 2011

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge