

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 06-21748-CIV-MARTINEZ-BANDSTRA

MARK J. GAINOR and ELYSE GAINOR,

Plaintiffs,

vs.

SIDLEY, AUSTIN, BROWN & WOOD, LLP
et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR
EXTENSION OF TIME TO SERVE DEFENDANT R. J. RUBLE**

THIS CAUSE came before the Court upon Plaintiffs' Motion for Extension of Time to Serve Summons and Amended Complaint on Defendant R.J. Ruble (**D.E. No. 88**), filed on July 5, 2007. Fed. R. Civ. P. 4(m) provides that service of the summons and complaint must be made within 120 days after the filing of the complaint. Rule 4(m) also provides, however, that the Court shall extend the time of service if the plaintiff shows good cause for failure to serve.

Plaintiffs' motion states that Plaintiffs have attempted to serve Defendant R.J. Ruble at his home in New York on numerous occasions, but their efforts have been thwarted since Defendant does not appear to reside there on a daily basis. Accordingly, Plaintiffs' process server is performing a stake-out at the Defendant's address in an effort to serve him and Plaintiffs request an additional 120 days to accomplish service. Plaintiffs assert that this extension will not unduly prejudice the parties or delay the resolution of this case, however, this case is set for trial beginning on January 22, 2008 (D.E. No. 76). A 120-day extension on service will affect the

deadline for completion of discovery. Therefore, it is:

ORDERED and ADJUDGED that

Plaintiffs' Motion for Extension of Time to Serve Summons and Amended Complaint on Defendant R.J. Ruble (**D.E. No. 88**) is **GRANTED in part**. Plaintiffs shall have an additional 30 days from the date of this Order, not the 120 days they request, to serve Defendant R.J. Ruble.

DONE AND ORDERED in Chambers at Miami, Florida, July 9, 2007.

Adalberto J. Martinez for

JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Bandstra
All Counsel of Record