

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:20-cv-20360-BLOOM/Louis

JEFFREY PETER DATTO, PH.D.,

Plaintiff,

v.

FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES, et al.,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court upon *pro se* Plaintiff's Expedited Motion for Alternative Service of Process through Process Server by Electronic Mail, or in the Alternative, for a 90-Day Extension of Time to Effect Personal Service, ECF No. [12] ("Motion"). The Court has reviewed the Motion, the record in this case, the applicable law, and is otherwise fully advised. For the following reasons, the Motion is denied as moot.

Plaintiff filed this action on January 28, 2020, *see* ECF No. [1], which generated a service deadline of April 27, 2020. The Motion represents that Plaintiff reached out to counsel for Defendant, FIU Board of Trustees ("Defendant"), on February 11, 2020 and was told that service is not accepted by mail and that Plaintiff was to "have the Complaint properly served to [counsel's] office on behalf of the Board of Trustees." ECF No. [12] at 2. Plaintiff then unsuccessfully requested Defendant to agree to waive service, so he retained the services of a process server. *See id.* On March 31, 2020, Defendant's counsel's office instructed Plaintiff by email to have the process server email them a copy of his badge and the complaint, and they relayed that they would

let Plaintiff know if they will accept service. *See* ECF No. [13]. The process server provided the requested information to Defendant’s counsel’s office on April 1, 2020. *See id.*

On April 2, 2020, Defendant’s counsel’s office by email informed the process server that “[a]t this time due to exigent circumstances caused by the COVID-19/Coronavirus situation, our office will accept service for this Complaint via email. . . . please note that this acceptance does not waive FIU’s right to require service by legally available means in the future once we have returned to normal operations.” *See id.* The returned proof of summons, moreover, reflects that Defendant was served on April 1, 2020, and it attaches the correspondence between the process server and Defendant’s counsel’s office. *See id.* The record, accordingly, demonstrates that Defendant has accepted service of process, and Defendant’s response deadline to the Complaint is April 22, 2020. *See* ECF No. [14]. The relief that Plaintiff seeks in the Motion is, consequently, unnecessary and the matter is moot.

Accordingly, it is **ORDERED AND ADJUDGED** that the Motion, ECF No. [12], is **DENIED AS MOOT**.

**DONE AND ORDERED** in Chambers at Miami, Florida, on April 9, 2020.



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**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

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