

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 20-cv-23242-BLOOM/Louis

UNITED STATES OF AMERICA *ex rel.*
SEDONA PARTNERS LLC,

Plaintiff/Relator,

v.

ABLE MOVING & STORAGE, INC.; ARPIN
VAN LINES, INC.; CARTWRIGHT
INTERNATIONAL VAN LINES, INC.;
COLEMAN AMERICAN MOVING SERVICES,
INC.; DEWITT COMPANIES LIMITED, LLC;
HILLDRUP COMPANINES, INC.; J.K. MOVING
& STORAGE INC.; MAYFLOWER TRANSIT,
LLC; NEW WORLD VAN LINES, INC.;
PARAMOUNT TRANSPORTATION SYSTEMS;
PAXTON VAN LINES, INC.; and WESTERN
EXPRESS FORWARDING, LLC,

Defendants.

ORDER TO FILE PROOF OF SERVICE

THIS CAUSE is before the Court upon a *sua sponte* review of the record. Federal Rule of Civil Procedure 4(m) requires service of the summons and complaint to be perfected upon defendants **within 90 days** after the filing of the complaint.¹ In civil actions for false claims like the instant action, a “defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.” 31 U.S.C. § 3730(b)(3); *see also U.S. ex rel. Gallo v. Thor Guard, Inc.*, No. 3:18-cv-811-J-32MCR, 2020 WL 1248975, at *4 n.8 (M.D. Fla. Mar. 16,

¹ The 90-day timeframe does not apply to service of process upon parties in a foreign country. *See* Fed. R. Civ. P. 4(m) (“This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).”).

2020) (explaining that the deadline to serve a defendant in a false claims case was ninety days after the complaint was unsealed and plaintiffs were ordered to serve the defendant); *U.S. ex rel. Maharaj v. Est. of Zimmerman*, 427 F. Supp. 3d 625, 651 (D. Md. 2019) (“[Federal Rule of Civil Procedure] 4(m) applies to [False Claims Act] cases. However, because such cases initially are filed under seal, the 90-day clock does not start until the court unseals the complaint and orders service.” (citing *Am. Civ. Liberties Union v. Holder*, 673 F.3d 245, 251 (4th Cir. 2011))).

The Court unsealed the Plaintiff/Relator’s Complaint in this action and ordered that the Defendants be served on May 4, 2021, ECF No. [10], thus generating an **August 2, 2021**, service deadline. To date, no summonses have been issued, and service has not been perfected.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff/Relator must file proposed summonses **by no later than June 9, 2021**. Within **seven (7) days** of perfecting service upon Defendants, Plaintiff/Relator shall file proof of such service with the Court. Failure to effectuate service of a summons and the complaint on Defendants by the stated deadline may result in dismissal without prejudice and without further notice.

DONE AND ORDERED in Chambers at Miami, Florida, on June 3, 2021.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record