

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**CUSTOM BLENDING AND PACKAGING )  
OF ST. LOUIS, LLC, )**

Plaintiff, )

V. )

Civil No. **08-592-DRH**

**STEVEN MOSER, JR., et al., )**

Defendants. )

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff Custom Blending and Packaging of St. Louis's motion for costs and fees associated with having to effect personal service of the summons and complaint upon defendants Steven Moser, Jr., and Steven Moser, Sr. (**Doc. 53**). No response to the subject has been filed.

Federal Rule of Civil Procedure 4(d)(2) does provide for an award of expenses and fees associated with a party's failure to waive service, provided the request for a waiver was done in accordance with Rule 4(d)(1). Plaintiff has failed to submit a copy of the waivers, so the Court cannot properly evaluate the propriety of awarding fees and costs.

**IT IS THEREFORE ORDERED** that the subject motion (**Doc. 53**) is **DENIED**.

**IT IS SO ORDERED.**

**DATED: October 1, 2009**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**