

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

KELLY SONNENBERG, *individually, and on
behalf of all others similarly situated,*

Plaintiff,

-vs-

OLDFORD GROUP, LTD, et al,

Defendants.

NO. 13-cv-344-DRH

ORDER

HERNDON, Chief Judge

The First Amended Class Action Complaint was filed in St. Clair County Circuit Court on January 25, 2013 and the Amended Notice of Removal was filed in this Court on May 16, 2013. As of this date, the docket sheet does not indicate that service has been made on defendant, Oldford Group, LTD, within the 120 days authorized by Federal Rule of Civil Procedure 4(m). Rule 4(m) provides: "If a defendant is not served within 120 days after the complaint is filed, the Court must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Electing to follow the first option, the Court **dismisses** this action without prejudice as to defendant Oldford Group, LTD.

IT IS SO ORDERED.

DATED: January 13, 2014


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David R. Herndon
Date: 2014.01.13
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**CHIEF JUDGE
U.S. DISTRICT COURT**