

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

BROADCAST MUSIC, INC., et al.,

Plaintiffs,

vs.

SHOWCLUBS INTERNATIONAL INC.
d/b/a HOLLYWOOD SHOWCLUB; and
STEPHEN ROMANIK II, individually,

Defendants.

Case No. 13-cv-0688-SMY-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the Plaintiffs' response to the Order to Show Cause issued by this Court on September 4, 2014. Plaintiffs filed their complaint on July 17, 2013 but failed to obtain service according to the time set forth in Federal Rule of Civil Procedure 4(m). Plaintiffs responded with affidavits of due diligence and stated they now have sufficient evidence that the Defendants have been deliberately evading service of process. Plaintiffs request sufficient time to effect service on Hollywood Showclub through the Secretary of State and move the Court to allow service on Stephen Romanik II, individually, by publication.

The Federal Rules of Civil Procedure allow courts to extend the time limit for service where the plaintiff shows good cause for the failure to serve within 120 days. FRCP 4(m). Rule 4(e), however, provides that an individual "may be served in a judicial district of the United States by: (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or (2) doing any of the following: (A) delivering a copy of the summons and of the complaint to the

individual personally, (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there, or (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process." Illinois likewise requires personal service on an individual. 735 ILCS 5/2-203.

Plaintiffs have failed to cite to any law that would allow this Court to grant leave to serve an individual by publication. Their request to serve Romanik by publication is therefore **DENIED**. However, due diligence and good cause being shown, Plaintiffs' request that the Court grant them until October 31, 2014 to serve Defendant Hollywood Showclub through the Illinois Secretary of State is **GRANTED**.

IT IS SO ORDERED.

DATED: September 18, 2014

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE