

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

EMERGENCY SERVICES BILLING )  
CORPORATION, INC., )  
Individually and as Agent of )  
MONROEVILLE FIRE DEPARTMENT )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DISCOVER PROPERTY & CASUALTY )  
INSURANCE COMPANY, RESILITE )  
SPORTS PRODUCTS INC, and KEITH )  
PAGE )  
 )  
Defendants. )

CAUSE NO. : 1:11-CV-36-TLS

**ORDER**

This matter is before the Court on a Report and Recommendations [ECF No. 5] issued by Magistrate Judge Roger B. Cosby on September 13, 2011, recommending dismissal of this cause without prejudice under Federal Rule of Civil Procedure 4(m). The Court is advised, pursuant to a Notice [ECF No. 4] filed August 10, 2011, that this action has been pending for more than one hundred twenty (120) days without service of process on the Defendants.

The Court being duly advised ORDERS this cause of action DISMISSED WITHOUT PREJUDICE for failure to complete process pursuant to Rule 4(m) of the Federal Rules of Civil Procedure as to Defendants Discover Property & Casualty Insurance Company, Resilite Sports Products Inc., and Keith Page.

SO ORDERED on September 19, 2011.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT