

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

KENNY THOMAS, et al.,)
 Plaintiffs,)
)
v.)
)
THE HARTFORD FINANCIAL)
SERVICES GROUP, INC., et al.,)
)
 Defendants.)
)
)
 _____)

CIVIL ACTION

No. 08-2078-KHV

ORDER

Kenny Thomas, Eileen Thomas, Kelly Thomas, Mandy Thomas and Lava Rock, Inc. filed this putative class action on behalf of themselves and others, claiming that The Hartford Financial Services Group and Does 1 through 25 committed RICO violations and are liable under state law for negligence, breach of fiduciary duty and fraud. On June 18, 2008, this Court ordered plaintiffs to show cause in writing on or before July 3, 2008, why it should not dismiss their claims under Fed. R. Civ. P. 4(m). See Order To Show Cause (Doc. #4). Plaintiffs have not responded.

As the Court noted in the order to show cause, plaintiffs have never served a summons or complaint upon any of the defendants. Therefore, under Fed. R. Civ. P. Rule 4(m), the Court may dismiss without prejudice plaintiffs’ claims.¹

¹ Fed. R. Civ. P. Rule 4(m) provides in relevant part as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

IT IS THEREFORE ORDERED that plaintiffs' claims be and hereby are **dismissed without prejudice.**

Dated this 9th day of October, 2008 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge