

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

VRWC, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-2268-JWL
)	
AUMD, L.L.C., et al.,)	
)	
Defendants.)	
)	
_____)	

ORDER OF DISMISSAL OF DEFENDANT AUMD, L.L.C.

On September 28, 2009, the Court issued an order to show cause why plaintiff’s claims against defendant AUMD, L.L.C. (“AUMD”), defendant Cardmarte, Inc., and the three remaining individual defendants should not be dismissed for failure to effect service of process (Doc. # 9). On October 30, 2009, after receiving plaintiff’s response to the show cause order, the Court concluded that plaintiff had not shown good cause under Fed. R. Civ. P. 4(m) for its failure to effect service, but it nonetheless granted plaintiff an extension until December 14, 2009, in which to complete that task (Doc. # 20). On November 23, 2009, plaintiff filed a return and proof of service showing service of a summons and the amended complaint on the California Secretary of State on behalf of AUMD (Doc. # 28). On December 11, 2009, plaintiff moved for another extension of time in which to serve AUMD and the three individual defendants (Doc. # 36); in the motion, plaintiff stated that the California Secretary of State would not accept service for

AUMD. The Court granted plaintiff an extension until February 12, 2010 (Doc. # 37). On February 12, 2010, plaintiff filed a voluntary dismissal of its claims against the three individual defendants (Doc. # 51). Plaintiff has not filed anything, however, to indicate that service was effected on AUMD by the deadline of February 12. Accordingly, plaintiff's claims against AUMD are hereby dismissed.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiff's claims against defendant AUMD, L.L.C. are hereby dismissed.

IT IS SO ORDERED.

Dated this 3rd day of March, 2010, in Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge