

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MARIA FOMICH

CIVIL ACTION

VERSUS

NO. 22-4580

BUILT TO LAST ROOFING, INC., ET AL.

SECTION A (1)

ORDER AND REASONS

The following motion is before the Court: **Motion to Dismiss, Alternatively, to Quash Service (Rec. Doc. 40)** filed by the defendant, Built to Last Roofing, Inc. The plaintiff, Maria Fomich, opposes the motion. The motion, noticed for submission on October 16, 2024, is before the Court on the briefs without oral argument.

The plaintiff, Maria Fomich, filed this action for damages sustained to her Orleans Parish property during Hurricane Ida. The property suffered significant roof damage during Ida for which the plaintiff engaged the defendant, Built to Last Roofing, Inc. ("BTL") to repair. BTL began the repairs but in the process left the open roof exposed to the elements (untarped). A significant rainstorm occurred that then inflicted significant additional damage to the plaintiff's property. This lawsuit ensued.

BTL is a Texas company for which effecting service of process has proven challenging. The plaintiff, through her counsel, has been diligent in attempting to serve the proper individual yet she is faced with the instant motion to dismiss for lack of proper service. The plaintiff asks the Court to deny the instant motion to dismiss so that she can cure the service problem, for which she has propounded discovery in hopes of identifying the correct person to receive service on behalf of the defendant corporation.

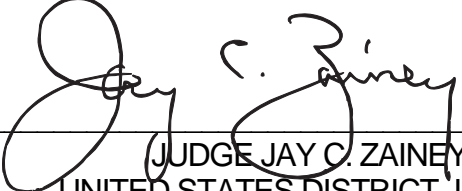
BTL is represented by excellent counsel who surely can identify for the Court and the plaintiff exactly to whom the service must be directed so that this case can proceed without further delay.

Accordingly, and for the foregoing reasons;

IT IS ORDERED that the **Motion to Dismiss, Alternatively, to Quash Service (Rec. Doc. 40)** filed by the defendant, Built to Last Roofing, Inc., is **DENIED**.

IT IS FURTHER ORDERED that on or before **November 1, 2024** counsel for Built to Last Roofing, Inc. shall provide counsel for the plaintiff (with a copy to the Court) of the name and address of the individual agent, member, or employee to whom service of this lawsuit shall be directed so that this case can proceed without further delay.

October 23, 2024



(JUDGE JAY C. ZAINERY
UNITED STATES DISTRICT JUDGE