UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TREME HOLDINGS, LLC   CIVIL ACTION

VERSUS   NO. 23-1642

SCOTTSDALE INSURANCE COMPANY   SECTION M (1)

ORDER & REASONS

Before the Court is a motion to dismiss for insufficient service of process pursuant to Rule

12(b)(5) of the Federal Rules of Civil Procedure filed by defendant Scottsdale Insurance Company

("Scottsdale").[1] Scottsdale attaches to its motion a certificate issued by the Louisiana Secretary of

State indicating that she has no record of service of this matter on Scottsdale.[2] Plaintiff Treme

Holdings, LLC ("Plaintiff") responds in opposition attaching documents that it says demonstrate

sufficient service.[3] Plaintiff requests that, in the event the Court finds that service of process was

insufficient, the Court provide it with "an opportunity to perfect service."[4] After reviewing the

parties' submissions and the docket, the Court finds that service of process was insufficient in that,

at a minimum, it appears that an amended complaint was filed after the summons was issued and

the record, together with the parties' submissions, does not reflect whether it was ever served on

the Secretary of State. Given this uncertainty, and the uncertainty revealed by the parties'

submissions as to whether the original service was ever actually received by the Secretary of State,

Plaintiff still needs to perfect service and should be granted additional time to do so, ensuring that

evidence of the service is filed into the record in a timely fashion. Accordingly,

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[1] R. Doc. 12.
[2] R. Doc. 12-2.
[3] R. Docs. 14; 14-1; 14-2.
[4] *Id.* at 2.

IT IS ORDERED that Scottsdale's motion to dismiss for insufficient service of process (R. Doc. 12) is DENIED.

IT IS FURTHER ORDERED that Plaintiff serve Scottsdale with the operative complaint, and any other required documents, in accordance with the Federal Rules of Civil Procedure within 30 days of the date of this order.

New Orleans, Louisiana, this 21st day of March, 2024.

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BARRY W. ASHE
UNITED STATES DISTRICT JUDGE