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U.s. DISTR**6266**5:05-CV-01526-TS-MLH WESTERN DISTRICT OF LOUISIANA RECEIVED

SEP 1.3 2006

ROBERT H. SHEMWELL, CLERK

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF LOUISIANA

Shreveport Division

SHELLY LANDRY-BELL,

VARIOUS INC., ET AL,

Plaintiff,

Versus

Civil Action No.

CV05-1526-S

JURY DEMANDED

JUDGE STAGG

Defendants.

MAGISTRATE-JUDGE HORNSBY

MEMO TO THE COURT REGARDING STATUS

MAY IT PLEASE THE COURT:

NOW INTO COURT, through undersigned counsel, comes Plaintiff who respectfully notifies the court regarding the status of this matter and status of service of summons and complaint efforts on Zach Wilhelm, an active military member. Following a status conference with Honorable Mark Hornsby, counsel was directed to seek assistance from Colonel John Odom with regard to service of process on an active military member. Several conversations took place and Colonel Odom undertook some research to assist counsel. Several meetings between Ben Politz and David Szwak were needed to discuss the matter. Last week, Colonel Odom provided the web site of www.pfiserves.com as a source to effect service of process on a military member under the Hague Convention, an obscure and very infrequently used method of service of process in foreign countries despite the fact that Wilhelm is a service member and will not voluntarily accept service while on Ramstein AFB, in Germany. Upon information, Wilhelm selected active, overseas duty with knowledge that he was being pursued civilly for his involvement in the matters forming the basis of this lawsuit.

Plaintiff respectfully suggests that a status conference be postponed for 60 days to permit

efforts under the Hague Convention to effect service of process and that a status conference be set for late November or early December for purposes of scheduling deadlines.

Respectfully submitted:

BODENHEIMER, JONES & SZWAK, LLC

By:

DAVID A. SZWAK, LBR #21157, TA

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

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G.M. BODENHEIMER (1994) J.W. JONES (2003)

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U.S.DISTRICT COURT WESTERN DISTRICT OF LOUISIANA RECEIVED

ROBERT H SHEMWELL, CLERK

September 12, 2006

Robert H. Shemwell Clerk of Court United States District Court Western District of Louisiana Shreveport Division 300 Fannin Street Shreveport, Louisiana 71101

Re:

Shelly Landry Bell vs. Various, Inc., and Zach Wilhelm; No.: CV05-1526; U.

S. District Court Eastern District of TX; Our File No.: 05-105

Dear Clerk:

DAVID A. SZWAK

Enclosed is an original and a copy of the Memo to the Court Regarding Status and a self-addressed stamped envelope in reference to the above captioned matter. Please file and send me a stamped copy for my records.

If you have any questions, please call.

Sincerely,

Paralegal to

David A. Szwak

DAS/dt Enclosure

cc: Bennett L. Politz, Esq.

Ira P. Rothken, Esq.

Magistrate-Judge Mark Hornsby