


U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF LOUISIANA
Shreveport Division

SHELLY LANDRY-BELL,

Plaintiff,

Versus

Civil Action No.
CV05-1526-S

VARIOUS INC., ET AL,

Defendants.

JURY DEMANDED
JUDGE STAGG
MAGISTRATE-JUDGE HORNSBY

SUPPLEMENTAL 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.

Prior Status Report

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.

Current Status Report

This Honorable Court has postponed a status conference to December in this case. Plaintiff has engaged Process Forwarding International [www.pfiserves.com] to assist in serving Wilhelm. Under the Hague Convention, the United States has a reciprocal treaty with Germany and Germany does permit service abroad however, it is time-consuming and all court papers served are required to be interpreted into the German language so that the German Government can understand what is being served, even when the person served is on a United States military base [Ramstein AFB, in this instance]. PFI advised that it is the only entity to perform this type of service. PFI advised that it is not uncommon for servicemen and women to seek overseas active duties in an effort to avoid lawsuits. PFI also advised that it will take *4-6 months to complete service* under the Hague Convention due to German Government processes required.

Plaintiff has engaged Christina Coker,¹ a German born and speaking interpreter living in Shreveport, Louisiana, to assist in complying with the Hague Convention and German laws. She has agreed to translate the documents however that process may take a month from now to complete due to her work schedule. Plaintiff is providing her the complaint, summons, and the supplemental notices from the court required for service of process purposes.

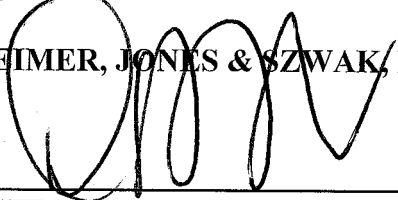
Plaintiff respectfully suggests that permitted to continue her efforts under the Hague Convention to effect service of process upon Zach Wilhelm and that she be advised of any changes in scheduling.

¹ Miss Coker is also an attorney from Germany although not practicing in the United States.

Respectfully submitted:

BODENHEIMER, JONES & SZWAK, LLC

By:



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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon opposing counsel of record by placing a copy of same in the United States Mail, properly addressed and first class postage pre-paid on this the 12 day of October, 2006.



OF COUNSEL