

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA
ex rel. Charles E. Moore

Plaintiff

vs.

ROBERT S. SVEHLAK,
et al.

Defendants

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CIVIL ACTION NO. MJG-12-2093

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MEMORANDUM AND ORDER RE: COMPLAINT SERVICE

The Court has before it the Motion for Extension of Time to Serve Complaint [ECF No. 29]. Although the original Relator filing the action was Charles E. Moore, it appears that, in or about June 2015, all claims presented by Mr. Moore in the instant case have been assigned to Jason Rheinstein, Esquire ("Rheinstein"), counsel of record for the Relator in the instant case.

The instant motion is the fifth such motion filed by the Relator or his transferee. A series of Orders have extended the date for Relator to effect service from March 17, 2015 to June 12, 2016. Rheinstein states in the current motion that he needs a response to a Freedom of Information Act Request - filed in October 2015 - to decide whether to pursue the instant case. He has not provided the Court with a copy of the request or

described its contents. He further states that no party will be prejudiced by the extension.

The Court finds it inappropriate to grant the extension requested without affording the Defendants the opportunity to address the motion. At least since May 21, 2015, the existence of the instant lawsuit has been on the public record. See In Re Charles E. Moore, Case No. 13-12841 - NVA, (B.Ct. D. Md.) ECF #151 and the Creditor Mailing Matrix identifying at least two defendants to received notice of the document. Moreover, by Order of August 5, 2014, this Court granted the Government leave to disclose the Complaint to one or more of the defendants.

The Court finds no reason why the Defendants should not be provided a copy of this Order and given the opportunity to respond.

Accordingly:

1. The date for Relator/Rheinstein to effect service upon the Defendants is extended to July 29, 2016.
 - a. Any motion seeking a further extension shall be filed by July 15, 2016¹ and shall be served upon every Defendant.
2. Relator/Rheinstein shall mail all Defendants a copy of this Order by June 20, 2016 and file a statement confirming that the mailing was done by June 24, 2016.

¹ Relator's practice of filing motions to extend shortly before the due date shall not continue.

3. Any Defendant may respond to the instant Motion for Extension of Time to Serve Complaint [ECF No. 29] by July 8, 2016.

4. By June 27, 2016, Relator/Rheinstein shall file under seal a full copy of the Freedom of Information Act request referenced in paragraph 13 of the instant motion.

SO ORDERED, on Tuesday, June 14, 2016.

/s/
Marvin J. Garbis
United States District Judge