

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EDWARD D. RICE, et al.

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Plaintiffs

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v.

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Civil No. **PJM 10-07**

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PNC BANK, N.A., et al.

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Defendants

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MEMORANDUM OPINION

Plaintiffs Edward D. Rice and Wendy L. Rice filed this Complaint on January 4, 2010 against P.N.C. Bank N.A., 1st Financial, Inc., and Damien Sisca, alleging that Defendants violated the Truth in Lending Act and Regulation Z because they did not provide Plaintiffs with two copies of the Notice of the Right to Rescind when they obtained a refinance mortgage loan secured by their home. Defendant PNC Bank was dismissed pursuant to this Court’s grant of Defendant PNC Bank’s Motion to Dismiss [Paper No. 6].

Plaintiffs failed to file any proof of service as to Defendants 1st Financial, Inc. and Damien Sisca within the 120-day period prescribed by Fed. R. Civ. P. 4(m). Thereafter, the Court ordered Plaintiffs to show good cause as to why the Complaint should not be dismissed without prejudice as to 1st Financial, Inc. and Damien Sisca pursuant to Fed. R. Civ. P. 4(m). Plaintiffs have not responded to the Show Cause Order or undertaken to inform the Court of any efforts to achieve service. Accordingly, the Complaint is **DISMISSED** without prejudice as to Defendants 1st Financial, Inc. and Damien Sisca for failure to serve. Fed. R. Civ. P. 4(m).

A separate Order will **ISSUE**.

/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

September 14, 2010