

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

TO: Scott A. Bowling, Esquire
Chapman & Bowling, LLC
P.O. Box. 610
La Plata, MD 20646

FROM: Judge Peter J. Messitte

RE: Perry v. Harley-Davidson Motor Company Group, LLC et al.
Civil Case No. PJM 12-1530

DATE: September 21, 2012

Plaintiff Kevin M. Perry has filed a motion asking for deferred dismissal of this action and an additional 120 days to effectuate service of process on Defendants Harley-Davidson Motor Company Group, LLC and Harley-Davidson Motor Group, Inc.

The reason given for Plaintiff's request is that Plaintiff has had difficulty in determining the specific resident agent for the Defendants.

This hardly constitutes "good cause" within the meaning of Federal Rule of Civil Procedure 4(m).

It should not have taken Plaintiff nearly 120 days to find out if Defendants have resident agents in Maryland, and if they did not, to arrange for substitute service, as provided for under the Federal Rules and Maryland Rule 2-124(o). Within a few minutes of calling the State Department of Assessments and Taxation, Chambers was able to ascertain that there is no listed resident agent for either of these entities in Maryland. There were, however, over 20 Harley-Davidson entities registered in Maryland. Plaintiff may wish to consider if he has sued the correct entities.

For this reason, Plaintiff's Motion is **DENIED**.

The case will be **DISMISSED** without prejudice. Plaintiff may, of course, choose to refile the case.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE