



If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The 90-day window for service of process has indisputably passed. Brown-Morrison's response to the Court's order to show cause does not even attempt to explain why, nine months after this action was filed, she still has not been able to serve Katherine Sharby or Vinfen. The claims against those defendants will therefore be dismissed according to the rule.

Accordingly, the motion to dismiss of defendants Katherine Sharby and Vinfen Corporation is GRANTED, and the case as to them is DISMISSED without prejudice.

**So Ordered.**

Dated: September 7, 2018

/s/ F. Dennis Saylor  
F. Dennis Saylor, IV  
United States District Judge