

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY MARANO COMPANY, et al.,

Plaintiffs,

v.

Case No. 09-14105

GEOFF SHERMAN, et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO
EXTEND SUMMONS AND FOR ALTERNATIVE SERVICE**

Before the court is Plaintiff's "Motion to Extend Summons and for Alternative service," filed December 15, 2009. On December 16, 2009, the court conducted a telephone conference with counsel for Plaintiff and Defendant Sherman to discuss the status of Plaintiffs' efforts to serve the remaining Defendants, and Plaintiff informed the court and opposing counsel that it has not been able to effect service on three Defendants: Scott Kennedy, Kimberly Kennedy, and Alex Davis.

Plaintiff claims that these three unserved Defendants are evading service of process. To support its claims, Plaintiff included affidavits from process servers. The affidavits are unpersuasive, and most are forms that shed little light on whether the Defendants are evading service. To justify alternative service, the court expects narrative affidavits setting forth in reasonable detail the process servers' diligent efforts and leading to the conclusion of service evasion. Nonetheless, the court finds that Plaintiff has adequately supported its request for the extension of the summons.

IT IS ORDERED that Plaintiff's "Motion to Extend Summons and for Alternative Service" [Dkt. # 14] is GRANTED IN PART in that the summons shall expire on **January 31, 2010**.

IT IS ORDERED that Plaintiff's "Motion to Extend Summons and for Alternative Service" [Dkt. # 14] is DENIED IN PART, without prejudice, in that Plaintiff may not yet use alternative service.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 18, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 18, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522