UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GLENN RONNIE MILLER,

CASE NO. 15-CV-13256 HON. GEORGE CARAM STEEH

Plaintiff,

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GENERAC POWER SYSTEMS, INC. and DOOSAN INFRACORE CO., LTD.,

efendants.	
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ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND SUMMONS

This products liability case arises out of plaintiff Glenn Miller's serious injuries sustained while he was working on a generator manufactured by defendant Generac Power Systems, Inc. ("Generac"). On November 30, 2016, the court granted plaintiff's motion to amend the Complaint to add Doosan Infracore Co., Ltd. ("defendant"), a South Korean corporation, as a defendant. On December 5, 2016, plaintiff filed its First Amended Complaint and on the same date, the summons issued. Now before the court is plaintiff's motion to extend the summons 90-days because defendant is a South Korean corporation, service must be according to the Hague Convention, and translation of the First Amended Complaint is

required before service may be completed. Plaintiff represents that it may

take six months for service of process and has submitted a copy of a letter

by a company that conducts service of process on defendants residing in

foreign countries, including South Korea, to that effect. The 90-day time

limit for service of process under Federal Rule of Civil Procedure 4(m) does

not apply to foreign corporations under Rule 4(h)(2) and 4(f) and leaves the

time period open. The Hague Convention provides for a time limit of six-

months. See Lexmark Int'l, Inc. v. Ink Tech. Printer Supplies, LLC, 295

F.R.D. 259, 261 (S.D. Ohio 2013) (citing Advisory Committee Notes to

Subdivision (f)(3)). Accordingly, plaintiff's motion to extend the summons

(Doc. 41) is GRANTED.

IT IS FURTHER ORDERED that plaintiff must serve the summons

and a copy of the First Amended Complaint on defendant Doosan Infracore

Co., Ltd. on or before June 5, 2017.

IT IS SO ORDERED.

Dated: December 15, 2016

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 15, 2016, by electronic and/or ordinary mail.

s/Marcia Beauchemin Deputy Clerk