

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LITTLE CAESAR ENTERPRISES
INC., *et al.*,

Plaintiffs,

Case No. 4:15-cv-13940
District Judge Terrence G. Berg
Magistrate Judge Anthony P. Patti

v.

DOUGH BOY PIZZA, S. DE R.L.
DE C.V., *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFFS' *EX PARTE* MOTION FOR
SUBSTITUTED SERVICE OF PROCESS AND FOR AN EXTENSION OF
TIME TO COMPLETE SERVICE (DE 9)**

This matter is before the Court on Plaintiffs' motion for alternate service and to extend the time in which to complete service pursuant to Federal Rule of Civil Procedure 4 and Michigan Court Rule 2.105. (DE 9.) In their motion, Plaintiffs outline the ultimately unsuccessful steps they have taken to serve Defendants, Dough Boy Pizza, S. DE R.L., DE C.V. ("Dough Boy"), Monsuru Okematti (also known as Matthew Zion), and Denise Hypolite.¹ Specifically, they retained the services of Heartland Investigate Group, a licensed private investigator, to determine the address(es) of Defendants, because they have used multiple mailing

¹ Defendants Okematti and Hypolite are a married couple. (Id. at ¶ 4.)

addresses throughout their dealings with Plaintiffs. (DE 9-2 at ¶5.)² The investigator determined that Defendant Okematti changed his name to “Matthew David Zion” and owned property located at 14 Legato Way, Spring, Texas, 77382. (DE 9-2 at ¶ 8.) A process server attempted personal service at this address three times between May 17, 2016 and June 1, 2016. (DE 9-6 at ¶¶ 4-6.) During that time, a vehicle registered to Defendant Hypolite was present in the driveway. (Id. at ¶ 5.) During her last attempt at service, the process server affixed envelopes containing the summonses and pleadings to the door of the 14 Legato Way address. (Id. at ¶ 6.)

The Court agrees that traditional methods of serving Defendants have failed and alternate methods of service are therefore warranted. Accordingly, Plaintiffs’ motion is **GRANTED**. Plaintiffs are permitted to make service of process on Defendants Dough Boy, Matthew Zion (also known as Monsuru Okematti), and Denise Hypolite (collectively, “Defendants”), pursuant to Federal Rules of Civil Procedure 4(e)(1) and 4(h)(1)(A) and Michigan Court Rule 2.105 by taking the following actions:

1. Plaintiffs shall post a copy of this Order, along with copies of the summonses, pleadings, and other papers on file, by tacking or otherwise firmly affixing the same to the door of the dwelling place located at 14

² Defendants have, however, used consistent email addresses: denisem@epcpllc.com and denisehypolite@sbcglobal.net. (DE 9-2 at ¶ 5.)

Legato Way, Spring, Texas 77382, inside of the Carlton Woods Community in The Woodlands, Texas. Plaintiffs shall promptly file proof of service by posting;

2. Plaintiffs shall mail, by first class mail, postage prepaid, copies of this Order, along with copies of the summonses, pleadings, and other papers on file, to Defendants at the foregoing address and shall promptly file proof of service by mailing; and
3. Plaintiffs shall email copies of this Order, along with copies of the summonses, pleadings, and other papers on file, to Defendants at denisem@epcpllc.com and denisehypolite@sbcglobal.net, and shall promptly file proof of service by email.

Plaintiffs shall have **THIRTY DAYS FROM THE DATE OF THIS ORDER** in which to complete service as outlined above. Defendants shall answer or otherwise respond to the First Amended Complaint within 28 days after Defendants have posted, mailed (by date of the postmark), and emailed the relevant documents. Defendants shall file their answer or other response with the Court and shall serve the answer or response by first class mail, within 28 days after Defendants have posted, mailed (by date of the postmark), and emailed the documents, at the following address:

Larry J. Saylor
Kimberly A. Berger

Miller, Canfield, Paddock & Stone P.L.C.
150 West Jefferson Avenue, Suite 2500
Detroit, MI 48226

IT IS SO ORDERED.

Dated: July 25, 2016

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that copy of the foregoing document was sent to parties of record on July 25, 2016, electronic and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti