

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PNC BANK, National Association,
Successor by merger to National City Bank,
A national banking association,

Plaintiff,

Civil Case No. 16-13258
Honorable Linda V. Parker

v.

LEGAL ADVOCACY, P.C., a Michigan
Professional Corporation,
f/k/a NORMAN YATOOMA & ASSOCIATES, P.C.
and NORMAN YATOOMA, jointly and severally,

Defendants.

_____ /

**OPINION AND ORDER DENYING DEFENDANTS' MOTION TO DISMISS
FOR LACK OF PROPER SERVICE [ECF NO. 14]**

On September 9, 2016, Plaintiff PNC Bank commenced this lawsuit alleging a breach of promissory note and breach of the guaranty against Defendant Legal Advocacy, P.C., f/k/a Norman Yatooma & Associates, P.C. and Defendant Norman A. Yatooma (collectively "Defendants"). (ECF No. 1.) On September 20, 2016, Plaintiff filed a motion for alternate service which this Court granted a week later. (ECF Nos. 6, 7.) Plaintiff served Defendants pursuant to the court order on September 28, 2016. (ECF Nos. 8-11.)

On October 18, 2016, Defendants filed a motion to dismiss the complaint for lack of proper service. (ECF No. 14.) In the motion, Defendants contend that Plaintiff failed to properly serve Defendants by alleging that Defendant Yatooma was evading service. (*Id.* at Pg ID 75.) Specifically, Defendants believe that Plaintiff should have waited longer before filing a motion for alternate service. (*Id.* at Pg ID 85.) Defendants argue that this Court’s order granting alternate service should be set aside because it was “premised on an inaccurate record.” (*Id.* at Pg ID 75.) Plaintiff filed an opposition brief on November 10, 2016 and Defendants filed a reply on November 24, 2016. (ECF Nos. 15, 16.)

This Court’s order granting Plaintiff’s motion for alternate service was not premised on a factual finding that Defendant Yatooma was evading service. (*See* ECF No. 7.) The order for alternate service was issued for purposes of judicial expediency. Plaintiff properly served Defendants pursuant to this Court’s order. *See Macomb Interceptor Drain Drainage Dist. v. Kilpatrick*, No. 11-13101, 2011 WL 5599388 (E.D. Mich. Nov. 16, 2011) (finding that “[t]acking a copy of the summons and complaint to the door of the address of a defendant” sufficient to give defendant actual notice). This Court is therefore denying Defendants’ motion.

Accordingly,

IT IS ORDERED that Defendant's motion to dismiss for improper service (ECF No. 14) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: April 4, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 4, 2017, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager