

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

AMY DAWON FLAH and A.W., a minor, by
and through her parent and natural guardian,
Amy Dawon Flah,

Case No. 14-CV-0264 (PJS/FLN)

Plaintiffs,

ORDER

v.

REGIONAL ACCEPTANCE
CORPORATION; LOSS PREVENTION
SERVICES, LLC; KIM PICKNER, an
individual d/b/a Diversified Recovery
Solutions; ROLAND PICKNER, an
individual d/b/a Diversified Recovery
Solutions; CITY OF MAPLE GROVE;
DAVID HACKLEY, an individual officer of
the City of Maple Grove sued in his
individual capacity; TRAVIS POBUDA, an
individual officer of the City of Maple Grove
sued in his individual capacity,

Defendants.

This matter is before the Court on defendant Roland Pickner's motion to dismiss for insufficient service of process. *See* Fed. R. Civ. P. 12(b)(5). Under Fed. R. Civ. P. 4(m), "[i]f a defendant is not served within 120 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." The Court has reviewed the papers submitted by Pickner. Those papers make it apparent that any failure by plaintiffs to properly serve Pickner with a copy of the summons and complaint is the product of excusable neglect. Accordingly, the Court declines to dismiss Pickner from this lawsuit at this time. Instead, the Court orders that plaintiffs properly serve Pickner with a copy of the summons and

complaint no later than July 31, 2014. Should plaintiffs fail to serve Pickner by that date, Pickner may renew his motion to dismiss under Rule 12(b)(5).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Defendant Roland Pickner's motion to dismiss for insufficient service of process [ECF No. 25] is DENIED WITHOUT PREJUDICE.
2. Plaintiffs must properly serve the summons and complaint on defendant Roland Pickner no later than July 31, 2014.
3. The hearing scheduled for July 8, 2014 is CANCELED.

Dated: May 28, 2014

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge