Supple v Trimac Transportation Group, Inc. et al Doc. 19

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

SHANE S. SUPPLE,	)	
	)	
Plaintiff,	)	
	)	**No. 1:16-cv-203 SNLJ**
vs.	)	
	)	
TRIMAC TRANSPORTATION GROUP, INC. and ROBERT S. MONGER,	)	
	)	
	)	
Defendants.	)	

MEMORANDUM and ORDER

Defendant Trimac Transportation Group, Inc. moved to dismiss plaintiff's complaint against defendant Robert Monger on November 17, 2016 (#13), pursuant to Federal Rule of Civil Procedure 12(b)(4) and in light of plaintiff's failure to serve Monger as of the date of the motion's filing. Plaintiff responded and requested an additional 90 days in which to serve Monger because, despite three attempts at serving him, plaintiff had been unable to do so but was diligently pursuing the matter. Indeed, defendant Monger was served on December 2, 2016, and he answered the complaint on December 20, 2016. As a result, plaintiff's motion is moot.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss is DENIED as moot.

Dated this 4th day of January, 2017.

STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE

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