

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-----------------------------|---|--------------------------|
| DONNA J. GARRETT, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4:09CV01252 ERW |
| |) | |
| J. DOUGLAS CASSITY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter comes before the Court on Plaintiffs’ Motion for an Expedited Ruling of Law under Rule 4 of the Federal Rules of Civil Procedure [doc. #51] and Defendant Erin Province’s Motion to Appoint Counsel [doc. #53]. The Court heard arguments from the parties on these Motions on October 13, 2009.

The Court concludes that Plaintiffs’ Motion for an Expedited Ruling, styled as it is, will be neither granted nor denied. Plaintiff has requested a ruling as to whether its Rule 4 obligations have been satisfied with respect to certain Defendants who waived the defenses of insufficient process and insufficient service of process yet also failed to sign Plaintiffs’ proffered Requests for Waiver of Service. The Court concludes that Plaintiffs should proceed with personal service on these Defendants pursuant to Rule 4.

The Court finds that Defendant Erin Province’s Motion to Appoint Counsel will be held in abeyance for ten (10) days – until October 23, 2009 – in order to give Defendant Province the opportunity to submit an affidavit to the Court describing her financial condition in detail.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs should proceed with personal service under Rule 4 on those Defendants who have failed to sign Requests for Waiver of Service.

IT IS FURTHER ORDERED that Defendant Erin Province's Motion to Appoint Counsel is **HELD IN ABEYANCE**. Defendant Province shall submit an affidavit to the Court detailing her assets and liabilities no later than October 23, 2009.

Dated this 13th Day of October, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE