

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

S.S., a minor by and through her next friends)
 Becky Sartory and Mark Sartory, and)
 Becky Sartory, individually,)
 Mark Sartory, individually,)
)
 Plaintiffs,)
)
 v.)
)
 SAM’S EAST, INC.,)
)
 Defendant/Third Party Plaintiff,)
)
 v.)
)
 T&D METAL PRODS.,)
 T&D METAL PRODS., CO.,)
 T&D METAL PRODS., LLC, and)
 THE REMLINE CO.,)
)
 Third Party Defendants.)

No. 4:15-cv-873-DGK

**ORDER DENYING THIRD PARTY PLAINTIFF’S MOTION TO
APPOINT SPECIAL PROCESS SERVER**

Pending before the Court is Third Party Plaintiff Sam’s East, Inc.’s (“Sam’s”), Motion for Appointment of Special Process Server (Doc. 56). Sam’s requests that the Court appoint Dennis Dahlberg of Dennis Dahlberg & Associates, LLC, as special process server for the limited purpose of serving its Third Party Complaint.

“Any person who is at least 18 years old and not a party may serve a summons and complaint.” Fed. R. Civ. P. 4(c)(2). However, under Federal Rule of Civil Procedure 4(c)(3), a court “may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.” A court appointment under Rule 4(c)(3) is “necessary

only when the process server needs to be invested with the authority that accompanies a court order.” 4A Charles A. Wright and Arthur R. Miller, *Federal Practice & Procedure* § 1091 (3d ed. 2002) (emphasis added).

Sam’s has not indicated why a court-appointed process server is required to effect service in this matter. If Sam’s feels that special court authority to serve process is necessary, it must provide reasons supporting its motion. Accordingly, the motion (Doc. 56) is DENIED.

IT IS SO ORDERED.

Date: September 28, 2016

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT