

**FILED**

JAN 04 2017

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**HELENA DIVISION**

BAKKEN RESOURCES, INC.,

Plaintiff,

vs.

PROLAND SERVICES, LLC and  
MARY CUNNINGHAM,

Defendants.

No. CV-15-65-H-SEH

**ORDER**

Plaintiff moved for entry of default judgment as to Defendant Mary Cunningham on July 22, 2016.<sup>1</sup> A hearing on the matter was held on August 23, 2016, in which the Court denied Plaintiff's request without prejudice for failure to

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<sup>1</sup> Doc. 23.

properly serve Defendant Proland Services, LLC.<sup>2</sup> Plaintiff was ordered to either dismiss its case without prejudice or take all steps necessary and appropriate to effect service on Proland Services, LLC.<sup>3</sup> Plaintiff notified the Court it chose to effect service on Proland Services, LLC.<sup>4</sup>

The Affidavit of Receipt of Service of Process by Secretary of State<sup>5</sup> was filed on December 7, 2016, and accompanied by Proof of Service<sup>6</sup> and Summons return.<sup>7</sup> The information provided discloses that service was effected on Proland Services, LLC on December 5, 2016.<sup>8</sup>

Proland Services, LLC's answer was due on December 26, 2016, under Fed. R. Civ. P. 12(a)(1)(A)(i). No answer or other appearances by Proland Services, LLC has been filed. No application for default against Proland Services, LLC has been sought.

Plaintiff's application for default judgment against Mary Cunningham has

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<sup>2</sup> See doc. 26, 27.

<sup>3</sup> Doc. 27.

<sup>4</sup> Doc. 28.

<sup>5</sup> Doc. 29.

<sup>6</sup> Doc. 29-1.

<sup>7</sup> Doc. 29-2.

<sup>8</sup> See M.R. Civ. P. 4(p).

not been renewed.

ORDERED:

1. Plaintiff shall either dismiss or move for entry of default judgment under Fed. R. Civ. P. 55(b) against Defendant Mary Cunningham on or before January 13, 2017.

2. Plaintiff shall either dismiss or move for entry of default under Fed. R. Civ. P. 55(a) against Defendant Proland Services, LLC on or before January 13, 2017.

DATED this 4<sup>th</sup> day of January, 2017.

  
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SAM E. HADDON  
United States District Judge