

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                      |   |                   |
|----------------------|---|-------------------|
| MARCY LEE GROVES,    | ) | 4:10CV3080        |
|                      | ) |                   |
| Plaintiff,           | ) |                   |
|                      | ) |                   |
| v.                   | ) | <b>MEMORANDUM</b> |
|                      | ) | <b>AND ORDER</b>  |
| FBL FINANCIAL GROUP, | ) |                   |
|                      | ) |                   |
| Defendant.           | ) |                   |

This matter is before the court on its own motion. On August 17, 2010, the court entered a Memorandum and Order allowing the plaintiff, Marcy Lee Groves, to amend her complaint in order to clearly state a claim upon which relief may be granted against the defendant, FBL Financial Group. (Filing No. [6](#).) Marcy Lee Groves filed an Amended Complaint on September 14, 2010. (Filing No. [7](#).) After reviewing the Amended Complaint, the court finds that Ms. Groves has complied with its August 17, 2010, Memorandum and Order, and that service on FBL Financial Group is now warranted.

IT IS THEREFORE ORDERED that:

1. To obtain service of process on FBL Financial Group, Marcy Lee Groves must complete and return the summons form that the clerk of the court will provide. The clerk of the court shall send one summons form and one USM-285 form to Marcy Lee Groves, together with a copy of this Memorandum and Order. Ms. Groves shall, as soon as possible, complete the forms and send the completed forms back to the clerk of the court. In the absence of the forms, service of process cannot occur.

2. Upon receipt of the completed forms, the clerk of the court will sign the summons form, to be forwarded with a copy of the Amended Complaint to the U.S. Marshal for service of process. The marshal shall serve the summons and Amended

Complaint without payment of costs or fees. Service may be by certified mail pursuant to [Federal Rule of Civil Procedure 4](#) and Nebraska law in the discretion of the Marshal. The clerk of the court will copy the Amended Complaint, and Marcy Lee Groves does not need to do so.

3. [Federal Rule of Civil Procedure 4](#) requires service of the complaint on a defendant within 120 days of filing the complaint. However, because in this order Marcy Lee Groves is informed for the first time of these requirements, Ms. Groves is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process.

4. Marcy Lee Groves is hereby notified that failure to obtain service of process on FBL Financial Group within 120 days of the date of this order may result in dismissal of this matter without further notice as to FBL Financial Group. FBL Financial Group has 21 days after receipt of the summons to answer or otherwise respond to a complaint.

5. The clerk of the court is directed to set a pro se case management deadline in this case with the following text: "January 21, 2011: Check for completion of service of summons."

6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Marcy Lee Groves shall keep the court informed of her current address at all times while this case is pending. Failure to do so may result in dismissal.

Dated October 4, 2010.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge