

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOE HAND PROMOTIONS, INC.,

Plaintiff,

vs.

ANITA K. MCFARLAND, Individually, and as an officer, director, shareholder and/or principal of Bugeater Investments, Inc.; BRYAN A. MCFARLAND, Individually, and as an officer, director, shareholder and or principal of Bugeater Investments. Inc; and BUGEATER INVESTMENTS, INC., Individually, and as an officer, director, shareholder, and/or principal d/b/a The Watering Hole;

Defendants.

**4:12CV3198**

**MEMORANDUM AND ORDER**

Upon review of Plaintiff's response, (Filing No. [10](#)), to the court's show cause order, the court finds the Plaintiff has made a good faith attempt at service of process, has diligently attempted to serve Defendants, and its failure to effectuate service thus far is through no fault of its own. Plaintiff has shown good cause to justify an extension to the 120-day deadline for service of process provided for in Rule 4(m) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS ORDERED that the Plaintiff's request for order authorizing substitute service (Filing No. [10](#)) will be granted, with some modifications in accordance with Nebraska law, as follows:

- 1) The plaintiff is granted leave to serve Defendants Bryan A. McFarland and Anita K. McFarland by:
  - a. leaving a copy of the Summons and Complaint with any person in charge at the Establishment located at 1550 S. Coddington Ave, Suite P, Lincoln, NE 68522; and

- b. delivering a copy of the Summons and Complaint, or if unable to deliver to a person, affixing a true copy of the Summons and Complaint to the door, at Defendants' last known residence; and
  - c. forwarding a copy of the Summons and Complaint by FIRST CLASS mail to Defendants Bryan A. McFarland and Anita K. McFarland at Defendants' last known address, 762 W. Lakeshore Ct, Lincoln, Nebraska 68528.
- 2) The plaintiff is granted leave to serve Defendant Bugeater Investments, Inc. by:
  - a. FIRST CLASS mail; and
  - b. leaving a copy of the Summons and Complaint with any person in charge at the Establishment located at 1550 S. Coddington Ave, Suite P, Lincoln, NE 68522.
- 3) The deadline for completing service in accordance with the terms of this order is May 28, 2013. On or before June 5, 2013, the plaintiff shall file a certificate of service setting forth the date and manner of service on the defendants, or show cause why it cannot do so, in the absence of which this case will again be subject to dismissal for want of prosecution.

April 8, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge