

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LEOURIETA B. GLASS, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF NEBRASKA, et al., )  
)  
Defendants. )

8:11CV211

**MEMORANDUM  
AND ORDER**

This matter is before the court on Defendants Mexico American Legal Defense & Educational Fund (“MALDEF”), Ricardo Meza (“Meza”), and Jennifer Nagda’s (“Nagda”) Motion to Quash Process or, in the Alternative, Motion to Answer Out of Time. (Filing No. [116](#).) Also pending is Defendant Samuel Coronado’s (“Coronado”) Motion to Quash Process or, in the Alternative, Motion to Extend Time to Answer or Respond. (Filing No. [156](#).)

MALDEF, Meza, and Nagda ask to be allowed to answer Plaintiff’s Complaint out of time because (1) MALDEF’s summons was mailed to MALDEF’s office in Chicago, Illinois, rather than to its home office in Los Angeles, California, resulting in delay; (2) Meza’s summons was mailed to the address of his former employer, and Meza has yet to receive a copy of it; and (3) Nagda’s summons was mailed to the incorrect address, but eventually forwarded to her. (Filing No. [116](#) at CM/ECF pp. 1-2.)

For good cause shown, Defendants’ request to answer Plaintiff’s Complaint out of time is granted. Defendant’s request that the court dismiss the claims against them for lack of jurisdiction based on improper service of process is denied without prejudice to reassertion.<sup>1</sup>

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<sup>1</sup>Based on the record currently before the court, the court cannot determine whether service of process was proper. Specifically, the court cannot determine whether MALDEF was properly served pursuant to [Federal Rule of Civil Procedure 4\(h\)\(1\)\(B\)](#).

IT IS THEREFORE ORDERED that:

1. MALDEF, Meza, and Nagda's Motion to Quash Process or, in the Alternative, Motion to Answer Out of Time (filing no. [116](#)) is granted to the extent that Defendants will be allowed to answer out of time.
2. Coronado's Motion to Quash Process or, in the Alternative, Motion to Extend Time to Answer or Respond (filing no. [156](#)) is granted to the extent that Coronado will be given additional time to answer or respond to Plaintiff's Complaint.
3. MALDEF, Meza, Nagda, and Coronado's requests that the court dismiss the claims against them for lack of jurisdiction based on improper service of process is denied without prejudice to reassertion.
4. MALDEF, Meza, Nagda, and Coronado shall have 21 days from the date of this Memorandum and Order to file an answer or other responsive pleading to Plaintiff's Complaint.
5. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: December 7, 2011: Deadline for MALDEF, Meza, Nadga, and Coronado to file an answer or other responsive pleading
6. Plaintiff's "Motion[s] in Opposition to Motion to Quash Process or, in the Alternative, Motion to Answer Out of Time" (filing nos. [175](#) and [177](#)) are denied.

DATED this 17<sup>th</sup> day of November, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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