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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN, LLC,)
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Plaintiff,)
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vs.)
)
LAW MED CONSULTING, LLC, a)
Maryland limited liability company;))
LAW MED BLOG, an entity of unknown)
origin and nature; and GREG STOCKS,)
an individual,)
)
Defendants.)
)
)
)
)

2:11-cv-00717-ECR-CWH

Order

On May 5, 2011, Plaintiff filed its complaint (#1) alleging copyright infringement. Summons were issued (#3) as to Law Med Blog, Law Med Consulting, LLC, and Greg Stocks. Proof of service has not been filed with the Court.

On August 22, 2011, Defendant Gregory Stocks filed an "Affidavit for Judicial Notice of Failure to Comply with a Judicial Order" (#8), stating that each summons contained the correct, public record address for each Defendant and that address is identical for each of the Defendants, but Plaintiff has never attempted to serve the Defendants in this case.

On September 6, 2011, Defendant Stocks filed a "Motion to Dismiss with Prejudice for Failure to Serve the Complaint, Willful Deception, and Failure to Comply with a Judicial Order" (#9).

1 Defendant Stocks requests that we dismiss the case under Rule 4(m).
2 Defendant Stocks also requests that Plaintiff should be sanctioned
3 to include a dismissal with prejudice, as it has made multiple
4 misrepresentations to this Court in a separate case, Righthaven LLC
5 v. Democratic Underground LLC, No. 2:10-cv-01356 concerning its
6 attempts to serve defendants in the numerous pending cases Plaintiff
7 has filed in this Court. While the accusations contained in the
8 Motion to Dismiss (#9) are troublesome, at this time the Court shall
9 decline to award sanctions or to dismiss with prejudice.

10 No response was timely filed to the Motion to Dismiss (#9). On
11 November 23, 2011, this Court ordered (#10) that Plaintiff shall
12 have fourteen days within which to file a document showing good
13 cause for failing to timely serve process on Defendant Stocks.
14 Plaintiff failed to comply with the Court's Order (#10).

15 On April 10, 2012, the Court issued a Rule 4(m) notice with
16 respect to Law Med Consulting, LLC and the Law Med Blog. Proof of
17 service has not been filed for any Defendant in this case, and
18 Plaintiff has not made any filings since June 20, 2011 or responded
19 to this Court's Order (#10).

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21 **IT IS, THEREFORE, HEREBY ORDERED** that Plaintiff's claim is
22 dismissed against Defendants Law Med Consulting LLC and the Law Med
23 Blog for failure to effect timely service pursuant to Federal Rule
24 of Civil Procedure 4(m).

25 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (#9)
26 is **GRANTED IN PART AND DENIED IN PART**: the claim against Defendant
27 Stocks is dismissed for failure to effect service by Plaintiff and

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1 because Plaintiff has failed to oppose or to make any filings in
2 eleven months despite our Order (#10). Defendant's request for
3 sanctions is **DENIED**.

4 The Clerk shall enter judgment accordingly.

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7 DATED: May 22, 2012.

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9 UNITED STATES DISTRICT JUDGE

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