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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:12-CV-1142 JCM (GWF)

ORLAN CHARLES HORNE,

Plaintiff(s),

v.

ACD LTD., et al.,

Defendant(s).

ORDER

Presently before the court is the matter of *Horne v. Ace Ltd. et al.* (case no. 2:12-cv-01142-JCM-GWF).

Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice.”

Plaintiff filed a complaint on July 10, 2012. (Doc. # 1). Pursuant to Federal Rule of Civil Procedure 4(m), on December 11, 2012, the clerk of the court provided notice to plaintiff that the action would be dismissed as to defendants ACE Seguros SA, ACE Ltd., ACE Group, ACE Group Holdings Inc., ACE Group Holdings, Inc., ACE USA Insurance Companies, ACE US Holdings, Inc.,¹ and ACE USA if plaintiff did not file proof of service of process by January 10, 2013. (Doc.

¹The plaintiff’s complaint lists ACE Group Holdings Inc., and ACE Group Holdings, Inc. as defendants. (Doc # 1). The difference is that the former entity does not have a comma after “Holdings” whereas the latter entity does have a comma after “Holdings.” Neither party has been served to date and both are dismissed from the lawsuit.

1 # 37).

2 Subsequent to the clerk of the court's notice of possible 4(m) dismissal, on December 18,
3 2012, Magistrate Judge George Foley, Jr. granted a motion for service via diplomatic channels in
4 regard to defendant, ACE Seguros SA. (Doc # 41). Similarly, on January 3, 2013, the plaintiff filed
5 a motion for service via diplomatic channels concerning ACE Ltd. (Doc # 45). This motion is
6 pending before the magistrate.

7 To date, plaintiff has failed to file proof of service with the court as to the following parties:
8 ACE Group, ACE Group Holdings Inc., ACE Group Holdings, Inc., ACE USA Insurance
9 Companies, ACE US Holdings, Inc., and ACE USA.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
12 be, and the same hereby is, DISMISSED without prejudice as to defendants ACE Group, ACE
13 Group Holdings Inc., ACE Group Holdings, Inc., ACE USA Insurance Companies, ACE US
14 Holdings, Inc., and ACE USA.

15 DATED February 5, 2013.

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UNITED STATES DISTRICT JUDGE

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