UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ANTHONY CONNELLY HOLDINGS, LLC dba THE NEATO COMPANY, a Nevada limited liability company, Plaintiff, vs. THE KONG COMPANY, LLC, a Colorado limited liability company; DOES 1-10; and ROE ENTITIES 1-10, inclusive, Defendants.	2:20-cv-01860-JAD-VCF **ORDER**

Before the Court is Plaintiff's Motion for Enlargement of Time to Serve (ECF No. 7).

Plaintiff seeks an extension, until February 8, 2021, under FED. R. CIV. P. 4(m) to effectuate service upon Defendant The Kong Company, LLC. Plaintiff filed a Complaint on October 5, 2020. (ECF NO. 1).

Relevant Law

Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 90 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 against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." "The 90-day time limit imposed by Rule 4(m) expires 90 days after the first complaint in which the defendant is named..." is filed. *Bolden v. City of Topeka*, 441 F.3d 1129, 1148 (10th Cir. 2006)(emphasis added). *Id.* The district court may extend time for service of process

retroactively after the 90-day service period has expired. *See Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th Cir.2003).

Discussion

The time to effectuate service upon the Defendant has expired, and Plaintiff must make a showing of good cause or excusable neglect in order for the court to extend this deadline for an appropriate period. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d at 1198; *Mann*, 324 F.3d at 1090 (the court may extend the deadline for service of process retroactively). Here, Plaintiff states that the parties are engaged in settlement negotiations and Defendant has agreed to execute a waiver service.

The court finds that good cause warrants extending the service of process deadline.

Accordingly, and for good cause shown,

IT IS ORDERED that the Plaintiff's Motion for Enlargement of Time to Serve (ECF No. 7) is GRANTED. The deadline to perfect service on Defendant The Kong Company, LLC, is extended up to and including February 8, 2021.

DATED this 8th day of January, 2021.

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE