

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 2/17/2021

MADALINA RAMONA IACOB,

Plaintiff,

-against-

BANTAM REALTY SERVICES, LLC ET AL.,

Defendants.

1:20-cv-04615-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff commenced this action on June 16, 2020, by filing the Complaint. [ECF No. 1.] Plaintiff filed the Amended Complaint on September 28, 2020. [ECF No. 15.] On January 13, 2021, the Court entered an Order directing Plaintiff to serve the summons and Amended Complaint on Defendants LG Estates, Inc. and Deep Drive Media LLC on or before February 12, 2021. [ECF No. 75.] The Court warned that if serve has not been made by that date and if Plaintiff fails to show cause why serve has not been made, the action may be dismissed as to Defendants LG Estates, Inc. and Deep Drive Media LLC. That date has since passed, and Plaintiff has failed to serve these Defendants or show cause why service has not been made.

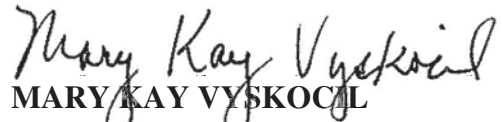
Accordingly, IT IS HEREBY ORDERED that the above-captioned action is DISMISSED WITHOUT PREJUDICE against Defendants LG Estates, Inc. and Deep Drive Media LLC. *See* Fed. R. Civ. P. 4(m); *Zapata v. Isabella Geriatric Ctr.*, No. 12 Civ. 00738 (ALC)(DF), 2013 WL 1762900, at *1 (S.D.N.Y. Apr. 1, 2013) (noting that “where timely service is not made after notice to the plaintiff, the Court may dismiss the action without prejudice”); *see also Polanco v. Chase Sadell Holding Corp.*, No. 08 Civ. 7248(RMB)(MHD), 2009 WL 303401, at *2 (S.D.N.Y. Feb. 9, 2009) (dismissing action under Rule 4(m) where plaintiff “was free to arrange for service of the current lawsuit, and has simply chosen not to do so and has not proffered a reasonable justification

for refraining to undertake service”); *Powell v. Dep’t of Corr.*, No. 00 CIV. 5360 (Lake), 2001 WL 1502551, at *2 (S.D.N.Y. Oct. 29, 2001) (dismissing case where several months elapsed since plaintiff filed amended complaint and plaintiff failed to effectuate service or show cause why service could not be accomplished).

IT IS FURTHER ORDERED that Plaintiff and the remaining Defendants—QRealty and Scallywaganvagabond.com—shall appear for a conference on March 16, 2021, at 2:00 PM. The conference will be held telephonically. To join the conference, dial 888-278-0296 and enter access code 5195844.

SO ORDERED.

Dated: February 17, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge