

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CV-141-BR

721 BOURBON, INC.,)

Plaintiff,)

v.)

BOURBON STREET, LLC, et al.,)

Defendants.)

ORDER

This matter is before the court on defendant Bourbon Street, LLC's motion to dismiss for insufficient service of process.¹ (DE # 16.) Plaintiff filed a response in opposition to the motion, (DE # 21), and Bourbon Street, LLC filed a reply, (DE # 25). Bourbon Street, LLC challenges service that plaintiff effected on it through Kevin Corbett, an individual that it claims "is not, and has never been, a member, manager, officer, registered agent, or authorized agent for [it], and was not authorized to accept service of process in this action on its behalf." (DE # 17.) Plaintiff has since caused summons to Bourbon Street, LLC to be re-issued, (DE # 24), and it appears plaintiff has recently served Bourbon Street, LLC with a copy of the summons and complaint via the North Carolina Secretary of State, (see DE # 28). Accordingly, defendant Bourbon Street, LLC's motion is DENIED WITHOUT PREJUDICE to challenge service most recently effected.

This 6 October 2016.



W. Earl Britt
Senior U.S. District Judge

¹ Defendant Nicole S. McNeil joined in the motion. However, she has been voluntarily dismissed from this action. (See DE # 26.)