

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:12-cv-00022-MR**

i play, inc., )  
Plaintiff, )  
vs. )  
D. Catton Enterprise, LLC, and )  
FREDERICK HART CO., INC., )  
Defendants. )

---

**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

On April 1, 2013, the Plaintiff filed an Amended Complaint in this action adding Frederick Hart Co., Inc. as a party defendant. [Doc. 47]. To date, however, there is nothing in the record to indicate that the Plaintiff has served this Defendant.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

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 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.

Fed. R. Civ. P. 4(m).

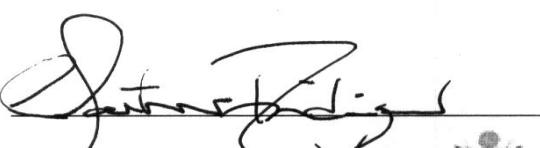
The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for its failure to effect service of the Summons and Complaint on Defendant Frederick Hart Co., Inc. within fourteen (14) days from service of this Order, the Plaintiff's action against this Defendant shall be dismissed without prejudice without further order.

**IT IS, THEREFORE, ORDERED** that the Plaintiff shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Defendant Frederick Hart Co., Inc.

**IT IS FURTHER ORDERED** that failure of the Plaintiff to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of this action without further order of the Court.

**IT IS SO ORDERED.**

Signed: August 15, 2013



Martin Reidinger  
United States District Judge

