

**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.)	<u>ORDER</u>
)	
)	
D. CATTON ENTERPRISE, LLC, a)	
New York Limited Liability Company,)	
)	
Defendant.)	
_____)	

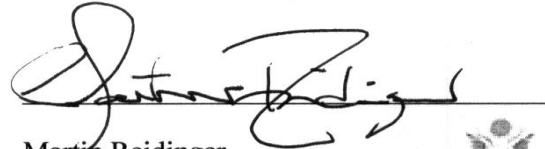
THIS MATTER is before the Court on the Plaintiff's Status Report in Response to Order [Doc. 69].

On August 16, 2013, the Court entered an Order directing the Plaintiff to show good cause for the failure to effect service on the Defendant Frederick Hart Co., Inc. [Doc. 68]. The Plaintiff now responds to the Court's Order, conceding that its action against this Defendant should be dismissed without prejudice for failure to serve the Defendant in a timely fashion. [Doc. 69].

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's action against Defendant Frederick Hart Co., Inc. is hereby **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

Signed: August 28, 2013


Martin Reidinger
United States District Judge

