

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:12cv311

BILLY DAVID HARRIS and)
ROBIN L. HARRIS,)
Plaintiffs,)
vs.) ORDER
AJAX BOILER, INC., et. al.,)
Defendants.)

)

THIS MATTER is before the Court *sua sponte*.

The Plaintiff initiated this action on October 1, 2012. [Doc. 1].

Although most of the named Defendants have been served, it does not appear that American Standard, Inc., Ametek, Inc. or Trane U.S., Inc. individually and as successor-in-interest to American Radiator & Standard Sanitary Manufacturing Company have been served.¹

Federal Rule of Civil Procedure 4 provides:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its

¹ Trane U.S., Inc. individually and as successor-in-interest to American Standard, Inc. has appeared.

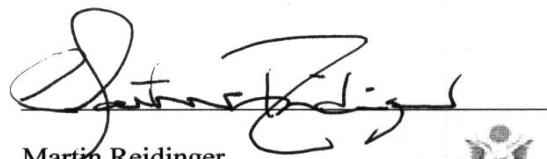
own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

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

The above-named Defendants do not appear to have been served within the 120 day period. The Plaintiff is therefore placed on notice that unless good cause is shown for the failure to effect service of the summons and complaint on those Defendants, this action shall be dismissed without prejudice as to each of them.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, the Plaintiff shall show cause why service has not been effected on American Standard, Inc., Ametek, Inc. and Trane U.S., Inc. individually and as successor-in-interest to American Radiator & Standard Sanitary Manufacturing Company.

Signed: February 4, 2013



Martin Reidinger
United States District Judge

