

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SYDNEY WAITZ-KUDLA,

Plaintiffs,

v.

USA TRUCK Inc., et al.,

Defendants.

Case No. 1:13-cv-564

Diott, J.  
Bowman, M.J.

**REPORT AND RECOMMENDATION**

Plaintiff initiated this litigation through counsel on August 14, 2013. On December 18, 2013, the Court directed Plaintiffs to show cause, on or before January 7, 2014, why their complaint should not be dismissed without prejudice as to two Defendants, Progressive Casualty Insurance Co., and Keith Kudla, for failure to achieve timely service of process as required under Rule 4(m), Fed. R. Civ. P. Plaintiffs have filed no response to the Court's Order to Show Cause. Accordingly, **IT IS RECOMMENDED THAT** Defendants Progressive Casualty Insurance Company and Keith Kudla be dismissed without prejudice, for failure of service of process.

s/Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).