

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DAVID BIGI, et al.,

Plaintiffs,

:

Case No. 3:14-cv-282

- vs -

District Judge Walter Herbert Rice

Magistrate Judge Michael R. Merz

OFFICER MARK BROWN, et al.,

Defendants.

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**ORDER QUASHING SERVICE OF PROCESS**

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This case is before the Court upon the filing of Returns of Service (Doc. No. 4). The Proofs of Service show that service was made by Plaintiff David Bigi purportedly by “U.S. cert mail” on Defendant Mark Brown (PageID 21), by “U.S. mail” on Defendant Jim Stull (PageID 23), and on the City of Beavercreek by “U.S. Mail” (PageID 25).

The purported Proofs of Service herein are QUASHED for the following reasons:

1. Fed. R. Civ. P. 4(c)(2) does not permit service to be made by a party to the litigation.
2. Fed. R. Civ. P. 4(e) requires that service on an individual be made personally, by residential delivery to the defendant’s residence to a person of suitable age and discretion residing there, or to a designated agent for service of process. In lieu of these methods, an individual defendant may be served in the manner authorized for service of process from the

Common Pleas Court. Purported service on Defendants Brown and Stull do not comply with Fed. R. Civ. P. 4(e).

3. Fed. R. Civ. P. 4(j) prescribes the method for serving a local government such as Defendant City of Beavercreek. The purported service on the City of Beavercreek does not comply with Fed. R. Civ. P. 4(j).

September 2, 2014.

s/ *Michael R. Merz*  
United States Magistrate Judge