

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLEN L. FEINGOLD	:	CIVIL ACTION
	:	NO. 12-1250
v.	:	
	:	
UNITRIN DIRECT, et al.	:	

ORDER

AND NOW, this 6th day of September, 2012, upon consideration of the motions of defendants Andrew P. Moore, and Moore & Riemenschneider, LLC, Unitrin Direct, Kemper Auto and Home Insurance Company and John Blumenthal to dismiss plaintiff Allen L. Feingold's second amended complaint, Feingold's response, and the replies filed by Moore and Moore & Reimenchneider and Unitrin and Kemper, it is ORDERED that defendants' motions are GRANTED and plaintiff's second amended complaint is DISMISSED with prejudice as against Moore, Moore & Reimenschneider, Unitrin, Kemper and Blumenthal.¹

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.

¹ Three defendants remain in this action – Cindy Brenner, Devon Brenner and Robert Moraux. The docket does not reflect, however, that any of these defendants have been properly served with the complaint, filed on March 12, 2012, the amended complaint, filed on March 19, 2012, or the second amended complaint, filed on June 29, 2012. Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part, that “[i]f 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.” Fed. R. Civ. P. 4(m). Accordingly, this Order shall serve as notice to plaintiff Feingold that failure to properly serve Cindy Brenner, Devon Brenner or Robert Moraux within 21 days from the date of this Order shall result in dismissal of the second amended complaint against them without prejudice.