

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SEAWAY BANK AND TRUST
COMPANY,

Plaintiff,

v.

Case No. 17-CV-578-JPS

MVF PROPERTIES, LLC, JAMES C.
FAZIO, FAZIO AUTOMOTIVE INC.,
AMANDA MAY REITZ,
JOHN DOES A THROUGH N and
JANE DOES A THROUGH N,

Defendants.

ORDER

This case, originally filed in Milwaukee County Circuit Court, was removed to this Court on April 24, 2017. (Docket #1). There remains one named defendant, Amanda May Reitz (“Reitz”), who has not yet been served. In cases removed from state court to federal district court, any defendant who was not served in the state court action must be served in the federal court action “in the same manner as in cases originally filed in such district court.” 28 U.S.C.A. § 1448. The rule governing service in federal court actions, Federal Rule of Civil Procedure 4(m), provides:

If a defendant is not served within 90 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. 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 ninety-day deadline for service on Reitz expired on July 24, 2017. The Court will therefore require that, **within fourteen (14) days of the entry of this Order**, the plaintiff must provide evidence of service or otherwise explain why good cause exists to extend the Rule 4(m) deadline. Failure to do so will result in dismissal of defendant Reitz without prejudice and without further notice. *See* Fed. R. Civ. P. 4(m).

Next, there remain in this action several Jane and John Doe defendants who have not been identified. Discovery has now been open for several months, which is more than enough time for the plaintiff to have learned the identities of those defendants. Therefore, the Court will order that, **within fourteen (14) days of the entry of this Order**, the plaintiff must identify the Doe defendants in an amended pleading, dismiss them from this action, or explain why good cause exists to allow the Doe defendants to remain unnamed.

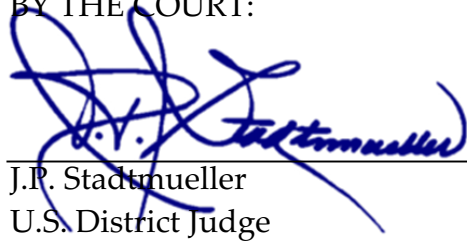
Accordingly,

IT IS ORDERED that, **within fourteen (14) days of the entry of this Order**, Seaway Bank and Trust Company must provide evidence of service, or otherwise explain why good cause exists to extend the Federal Rule of Civil Procedure 4(m) deadline for service, as to defendant Amanda May Reitz; and

IT IS FURTHER ORDERED that, **within fourteen (14) days of the entry of this Order**, Seaway Bank and Trust Company must identify the Doe defendants in an amended pleading, dismiss them from this action, or explain why good cause exists to allow the Doe defendants to remain unnamed.

Dated at Milwaukee, Wisconsin, this 11th day of October, 2017.

BY THE COURT:



A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized and somewhat cursive.

J.P. Stadtmueller
U.S. District Judge