



UNITED STATES COURT FOR THE DISTRICT OF COLUMBIA

Randy Squires
Plaintiff,
v.
Robert Atcheson, et al.
Defendants.
Civil Action 05cv01120
Judge: James Robertson

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF’S MOTION FOR AN EXTENSION OF TIME TO SERVE SUMMONS AND COMPLAINT

COMES NOW Plaintiff, Randy Squires, by and through undersigned counsel, hereby moves this Honorable Court for an Extension of Time in which to Serve Summons and Complaint in the immediate case. Reasons therefore are set forth below:

- 1. The immediate case was filed on June 6, 2005 and the summons were issued on the same date.
2. Shortly after the summons were issued, Plaintiff advised its process server that the complaint had to be filed withing one hundred twenty (120) days.
3. Counsel for Plaintiff recently learned that the process server had failed to execute service upon the Defendants within the time prescribed by this Honorable Court.
4. Failure to timely serve the pleading was due to mis-communication regarding the deadline for service. The process server was under the mistaken belief that service was to be executed by October 20, 2005 rather than October 5, 2005.

5. On October 13, and October 14, 2005, Plaintiff was able to execute service of the summons and complaint on all Defendants. Per this extension, Plaintiff requests this Court to deem service upon Defendants nunc pro tunc, effective October 13 and 15, 2005.
6. Service has been effected within ten (10) days of the deadline.
7. Good cause having been shown for the delay, the timely filed pleadings, have now been served. Should the court grant this motion there would be no prejudice to the parties.
8. Pursuant to Federal Rule of Civil Procedure 4(m), if a plaintiff shows good cause for failing to serve the summons and complaint within 120 days, “the court shall extend time for service for an appropriate period.”
9. In *Barnes v. Dabiri, et al.*, 1990 U.S. Dist. Lexis 5272, the United States District Court for the District of Columbia granted the plaintiff five (5) extensions to locate and serve the summons and complaint upon the defendant.
10. Plaintiff in this case is requesting only one extension and has executed a good faith effort to cure the defective service.

**WHEREFORE**, Plaintiff respectfully urges this Honorable Court to deem Plaintiff's service of Defendants within ten (10) days of the one hundred twenty (120) day deadline to be sufficient and proper at this time.

Respectfully submitted,

**DONALD M. TEMPLE, PC.**  
**ATTORNEYS & COUNSELORS AT LAW**

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*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

<b>Randy Squires</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action 05cv01120</b>
	)	
<b>Robert Atcheson, et al.</b>	)	<b>Judge: James Robertson</b>
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER**

UPON CONSIDERATION of Plaintiff’s Motion to Reinstate Complaint and the attached Memorandum of Points and Authorities, on this \_\_\_\_\_ day of \_\_\_\_\_, 2005, it is,

**ORDERED**, that the Motion be and is hereby **GRANTED**; and it is further

**SO ORDERED.**

\_\_\_\_\_  
Judge James Robertson