

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 0:16-CV-61511-WJZ

CAROL WILDING, et al.,

Plaintiffs,

v.

DNC SERVICES CORP., d/b/a
DEMOCRATIC NATIONAL COMMITTEE,
et al.,

Defendants.

[PROPOSED] ORDER

Pending before the Court is Defendants' Motion to dismiss this action for insufficient service of process pursuant to Federal Rule of Civil Procedure 12(b)(5), or, in the alternative, Motion for an Extension of Time to File an Answer or Respond to Complaint.

Because Plaintiffs failed to properly serve Defendants as required by Federal Rules of Civil Procedure 4(e) and (h), the Court hereby GRANTS Defendants' motion to dismiss for insufficient service of process and dismisses Plaintiffs' complaint without prejudice. *See Albra v. Advan, Inc.*, 490 F.3d 826, 828–29 (11th Cir. 2007) (affirming a district court's order dismissing a complaint without prejudice for insufficient service of process). Plaintiffs may attempt to reserve Defendants with the summons and complaint in compliance with the Federal Rules of Civil Procedure. The Court notes, however, that Defendants have put forward plausible reasons why Plaintiffs' allegations may not be tenable before the Court. Although dismissal with prejudice would be too dramatic a response to Plaintiffs' failure to properly effectuate service, the Court reminds Plaintiffs' counsel of their obligation to conduct a reasonable inquiry to confirm that any pleading they file with this Court is well-grounded in fact, legally tenable, and

not presented for any improper purpose. *See Baker v. Alderman*, 158 F.3d 516, 524 (11th Cir. 1998) (“In filing a pleading in a federal court, an attorney certifies that he or she has conducted a reasonable inquiry and that the pleading is well-grounded in fact, legally tenable, and is not presented for any improper purpose.”) (internal citations and quotation marks omitted).

IT IS SO ORDERED.

Signed this ____ day of _____, 20__.

BY THE COURT

The Honorable William J. Zloch
United States District Court Judge