

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BERRELL FREEMAN,

Plaintiff,

ORDER

v.

03-C-0021-C

GERALD BERGE and
JON E. LITSCHER,

Defendants.

Plaintiff Berrell Freeman has filed a motion for a default judgment. He argues that defendants Gerald Berge and Jon Litscher have failed to answer his complaint within the time prescribed by Fed. R. Civ. P. 12(a)(1)(A), which requires a defendant to file and serve an answer within 20 days after being served with the summons and complaint. The problem with this argument is that Fed. R. Civ. P. 12(a)(1)(A) does not apply to defendants' answer. Because defendants waived personal service under Fed. R. Civ. P. 4(d) and accepted service by mail, they have 60 days from the date of service (February 19, 2003) in which to answer plaintiff's complaint. Fed. R. Civ. P. 12(a)(1)(B). Accordingly, IT IS ORDERED that

plaintiff's motion for a default judgment is DENIED.

Entered this 20th day of March, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge