

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

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GEORGE A. MUDROVICH,

Plaintiff,

v.

D.C. EVEREST AREA SCHOOL DISTRICT,

Defendant.  
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ORDER

04-C-398-C

This is a civil action for monetary relief in which plaintiff George Mudrovich alleges that he was laid off from his teaching job with respondent D.C. Everest Area School District because he exercised his constitutional right to file a lawsuit against two of respondent's other teachers. Plaintiff has paid the fee for filing his complaint.

The next step is for plaintiff to serve his complaint on the defendant. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendant. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to serve his complaint on the defendant well before the deadline for doing so established in Rule 4.

For plaintiff's information, Fed. R. Civ. P. 4(j)(2) states

Service upon a state, municipal corporation or other governmental organization subject to suit shall be effected by delivering a copy of the summons and of the complaint to its chief executive officer or by serving the summons and complaint in the manner prescribed by the law of that state for the service of summons or other like process upon any such defendant.

Wis. Stat. § 801.11(4)(a)6 provides that when the defendant is a school district, the summons and complaint should be served on the president or clerk of the district. Section 801.11(4)(b) provides also that “in lieu of delivering the copy of the summons to the person specified, the copy may be left in the office of such officer . . . with the person who is apparently in charge of the office.”

#### ORDER

IT IS ORDERED that plaintiff is to promptly serve a summons and his complaint on the defendant and file proof of service of his complaint as soon as service has been accomplished. A summons that has been signed and sealed by the clerk of court is enclosed to plaintiff with this order for his use in serving his complaint. If, by September 1, 2004, plaintiff fails to submit proof of service of his complaint on the defendant or explain his inability to do so,

I will direct plaintiff to show cause why his case should not be dismissed for lack of prosecution.

Entered this 1st day of July, 2004.

BY THE COURT:  
BARBARA B. CRABB  
District Judge