

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

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RANDY PAUL, an individual and  
WILLIAM D. CONWAY, an individual,

Plaintiffs,

v.

MANUFACTURER'S ASSET GROUP, LLC,  
an enterprise affecting interstate commerce; and  
RAYMOND L. LEONARD, an individual  
predicate actor and member of the enterprise,

Defendants.

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ORDER

04-C-769-C

In an order entered in this case on October 19, 2004, I advised plaintiffs that it was their responsibility to serve defendants with their complaint and file proof of service as soon as they had it. I noted that the Fed. R. Civ. P. 4(m), allows a plaintiff 120 days after filing a complaint in which to serve the defendants, but that the 120-day deadline is the outside limit. I advised plaintiffs that if they acted diligently, they should be able to serve their complaint on the defendants and file proof of service by December 1, 2004. In addition, I provided plaintiffs with a memorandum describing how to serve partnerships, corporations or unincorporated associations in a federal lawsuit and the various forms they needed to accomplish service. To date, plaintiffs have not filed proof of service of their complaint upon

the defendants or explained their failure to do so. Indeed, they have not corresponded with the court about their case since they filed it on October 14, 2004.

At this point, I believe it is prudent to require plaintiffs to communicate to the court in writing what steps they have taken to serve their complaint on the defendants. Although the outside deadline for serving the complaint does not occur until February 11, 2005, there is no point in maintaining this action as an open case if plaintiffs have abandoned prosecution of it.

#### ORDER

Now, therefore, IT IS ORDERED that plaintiffs may have until January 7, 2005, in which to advise the court in writing what steps they have taken to serve their complaint on the defendants. If, by January 7, 2005, plaintiffs fail to respond to this order, the clerk of court is to enter judgment dismissing this action without prejudice for plaintiff's failure to prosecute.

Entered this 13th day of December, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge