

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

BETTYE J. LAWRENCE,

Plaintiff,

v.

VAUGHN REGSTEAD-SLUMBERLAND FURNITURE
and WELLS FARGO NATIONAL BANK,

Defendants.

ORDER

05-C-540-C

In an order dated December 27, 2005, I gave plaintiff Bette Lawrence until January 4, 2006, in which either to submit completed waiver forms from the defendants or to advise the court in writing what steps she took to identify the officer or agent authorized to receive service of process on behalf of the defendant corporations and to confirm that she complied in every respect with the requirements of Fed. R. Civ. P. 4 for obtaining waivers of service of summonses from the defendant corporations. Now plaintiff has written to explain that because she is proceeding pro se, she did not understand that she was supposed to have mailed her complaint and waiver forms to the presidents, vice-presidents or other officers of the defendant corporations or to a corporate agent designated to receive service of process

on behalf of the corporation. Instead, the record shows that she simply mailed her complaint to the defendants' local addresses. According to plaintiff, she now has obtained the names and addresses of the presidents of the defendant corporations and is prepared to send her complaint to them with waiver requests. She asks for an enlargement of 30 days' time in which to file proof with the court that she has accomplished this task.

Although I will grant plaintiff's request, I expect her to move promptly to prepare the appropriate service packets and mail them to defendants' corporate presidents. Under separate cover, additional waiver and notice of waiver forms as well as summons forms have been sent to her. If plaintiff mails her complaint and the additional documents required by Fed. R. Civ. P. 4(d)(2) to defendants' presidents no later than Friday, January 6, 2006, defendants will have until at least February 6, 2006 in which to return the waiver forms to plaintiff. (Fed. R. Civ. P. 4(d)(2)(F) provides that a defendant shall have "a reasonable time to return the waiver, which shall be at least 30 days from the date on which the request is sent. . . .") If defendants do not return the waiver forms to plaintiff by January 13, 2006, however, plaintiff will have to arrange immediately with law enforcement officers in the city of defendants' corporate headquarters for personal service of her complaint on the defendants' presidents. Either way, I will allow plaintiff an enlargement of time to February 17, 2006, in which to file with the court either copies of the signed waiver forms she receives from defendants or, if defendants do not return the forms by February 13, an

affidavit from a law enforcement officer or other person over the age of 18 who is not a party to this lawsuit showing that her complaint has been personally served on the defendants.

ORDER

IT IS ORDERED that plaintiff may have until January 6, 2006, in which to mail her complaint and the additional documents required by Fed. R. Civ. P. 4(d)(2) to defendants' presidents.

Further, IT IS ORDERED that plaintiff may have until February 17, 2006, in which to file with the court either 1) copies of the signed waiver forms she receives from defendants; or, 2) (and only if defendants do not return the waiver forms to plaintiff by February 13) an affidavit from a law enforcement officer or other suitable person over the age of 18 showing that a summons and her complaint were served on the defendants personally.

If, by February 17, 2006, plaintiff fails to submit proof that she has accomplished service of process on the defendants in this case, I will dismiss the case without prejudice to

plaintiff's refiling her case at some future time.

Entered this 3rd day of January, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge