

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BURTON W. WIAND,

Plaintiff,

v.

Case No: 8:20-cv-862-T-33TGW

CHRIS ARDUINI, SHELLEY ARDUINI,
SCOTT ARNOLD, TRACY ARNOLD,
OFFER ATTIA, JOHN BACON, STEVEN
BARRIE, MARGARET BARRIE, SHERRY
BARRY, ANN BARTON, TODD BERRY,
BLACK DRAGON CAPITAL, LLC,
LOUIS CARDIELLO, MARIA
CARDIELLO, MICHAEL CHAMBLESS,
LESLEY CHAMBLESS, MARY CHARUK,
RON CLARK, KIM CLARK,
COMMONWEALTH NETWORK MARKETING
CORP, GREGORY CORCORAN,
CRICHLow COMPUTER CONCEPTS,
KAYLA CROWLEY, JOSEPH CHARLES,
CUSHAUN CHARLES, THOMAS
DAIDONE, ANNE DAIDONE,
BENEDETTO DALIA, SABRINA DALIA,
GREGORY DAVIS, SILVIA DAVIS,
MICHAEL DEYOUNG, DIVERGENT
INVESTMENTS, LLC, BETSY DOOLIN,
MARIANA DUENAS, PATRICK
FLANDER, HENRY FUKSMAN, ANNA
FUKSMAN, ROCCO GARBellANO,
ROBERT GIAMBOI, LORETA GIAMBOI,
JASON GLADMAN, ETHEL HALEY,
ELMORE RUNEE HARRIS, ANNE
HENNESSEY, CHAD HICKS, KENJI
HIGUCHI, TAMI HIGUCHI, RICHARD
HUBBARD, COURTNEY HUBBARD,
CHARLES HUCKABEE, TIMOTHY
HUNTE, TIM HUNTE DBA KATT
DISTRIBUTION, JAMES JACKSON,
IMPULSE VENTURES, INC., ALAN
JOHNSTON, BRADLEY KANTOR,
CARRIE KANTOR, KEVIN KERRIGAN,
KERRIGAN MANAGEMENT, INC.,
BRENDA KROWN, TAMI LACY, JOSEPH

LEVECCHIA, LYNNE LEVECCHIA,
MATTHEW LEACH, LIFE'S ELEMENTS,
INC., DAVID PAUL LIPINCZYK,
LUDA PIOTR, WAYNE LYNCH, SHAWN
MARSHALL, JOSEPH MARTINI,
JOSEPH MARTINI, JR., KATHRYN
MCCLARE, MARY MCCLARE,
ELIZABETH MCMAHON, JEAN
MONAHAN, STEPHEN MONAHAN, FRANK
NAGEL, NICK PATTERSON, VINCE
PETRALIS, VINCE PETRALIS, JR.,
ANTHONY PROCOPIO, JERRY PUCCIO,
JAY RENNER, MICHAEL RUBEL,
MARGARET SIMS, ALLEN STEINFELD,
LOREEN STEINFELD, FORD SUMER,
EDGAR UHLER, DONNA UHLER,
CARMINE VONA, DAVID WILKERSON,
STEFANIA WOOD and ZHUO XU,

Defendants.

ORDER

This matter comes before the Court *sua sponte*. Plaintiff filed this action on April 14, 2020. (Doc. #1). The Court takes this opportunity to address service of process as required by Federal Rule of Civil Procedure 4.

A plaintiff has 90 days from the filing of the complaint to effect service of process. Rule 4(m), Fed. R. Civ. P. "If a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Id. Furthermore, "[u]nless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the

server's affidavit." Fed. R. Civ. P. 4(l). Accordingly, Plaintiff is directed to effect service of process as required by Rule 4, Fed. R. Civ. P., and file proof thereof with the Court as soon as service has been effected.

The Court also takes this opportunity to remind counsel that the Court's permission is required to extend deadlines imposed by the Court or the Rules. Indeed, as noted on the undersigned's webpage, while

[t]he Court encourages the parties to work together in a collegial manner with respect to all pending matters; however, it is solely the Court's province to grant an extension of time. Notably, after a defendant has been served, if that defendant needs additional time to respond to the complaint, that defendant should file a motion requesting an extension of time, rather than informally seeking an extension of time from plaintiff's counsel. An informal agreement without the benefit of a Court Order is insufficient. If defense counsel is a member of the Florida Bar, but is not admitted to practice in the Middle District of Florida, defense counsel should reach out to Judge Covington's Chambers so that appropriate arraignments can be made. If defense counsel does not meet the requirements for being admitted to practice in this Court, defense counsel should retain local counsel and seek admission on a *pro hac vice* basis.


United States District Court, Middle District of Florida,
Judicial Info, Virginia M. Hernandez Covington, General Matters,
Requests for Extension of Time,
<http://www.flmd.uscourts.gov/judges/virginia-covington>.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Plaintiff is directed to effect service of process as required by Rule 4, Fed. R. Civ. P., and file proof thereof with the Court upon service being effected.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 28th day of April, 2020.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE