

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BURTON W. WIAND, as Receiver for
Oasis International Group, Ltd., *etc.*
Plaintiff,

v.

CASE NO. 8:20-cv-862-T-33TGW

CHRIS AND SHELLEY ARDUINI,
et al.,
Defendants.

_____/

ORDER

THIS CAUSE came on for consideration upon defendant Kayla Crowley's correspondence to the court, which is construed as a Motion to Quash Service of Process (Doc. 381), and the Receiver's Response in Opposition to the Motion and Request for Substitute Service of Process (Doc. 403).

Defendant Crowley states: "I'm in receipt of the enclosed document, indicating service of a summons in New Hampshire" (Doc. 381, pp. 1, 3). Notwithstanding her awareness of the lawsuit, Crowley seeks to quash service because it was effected in New Hampshire upon a person she has no relation to, and not at her "proper service address" in Pennsylvania (*id.*, p. 1). The Receiver responds that service at the New Hampshire address

was effected only after multiple attempts to serve the plaintiff in Pennsylvania failed (Doc. 403-2, Aff. Alicia Gangi).

Consequently, the Receiver requests “a special order permitting substitute service via mail” pursuant to Penn. R. Civ. P. Rule 430 (Doc. 403, pp. 3-4). Crowley states that her “[p]roper service address” is: “1221 Goose Pond Rd., Lake Ariel, PA 18436” (Doc. 381, p. 1). This method is acceptable to the court; however, it is noted that the court’s mail to that address has been returned.

Therefore, if the mail is returned as undeliverable, or the Receiver no longer wishes to serve Crowley in that manner, the Receiver will need to file a supplemental memorandum supporting his alternate request for service of process pursuant to New Hampshire law, RSA 510:8. Thus, in light of Crowley’s representations that she is not related to the person who accepted service on her behalf, she does not live at that address and the lawsuit is not in New Hampshire, a connection to New Hampshire appears tenuous.

It is therefore, upon consideration,

ORDERED:

1. That the Receiver is authorized to effect substitute service via mail pursuant to Penn. R. Civ. P. Rule 430, provided that the mail is not

returned as undeliverable.

2. That the Receiver has 14 days to file a supplemental memorandum if he seeks an Order approving service of process pursuant to RSA 501:8.

DONE and ORDERED at Tampa, Florida, this 11th day of September, 2020.

A handwritten signature in blue ink, appearing to read "Thomas G. Wilson", is written above a horizontal line.

THOMAS G. WILSON
UNITED STATES MAGISTRATE JUDGE