

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROOR INTERNATIONAL BV and
SREAM, INC.,
Plaintiffs,

v.

Case No. 8:19-cv-439-T-24 AAS

GOOD TIMEZ III, LLC and SERKAN
GUL,
Defendants.

_____/

ORDER

This cause comes before the Court on Defendant Serkan Gul's Motion to Dismiss. (Doc. No. 14). Plaintiffs oppose the motion. (Doc. No. 17). As explained below, the motion is denied.

On February 19, 2019, Plaintiffs filed this lawsuit against Defendants, in which they assert claims under the Lanham Act for trademark infringement, counterfeiting, and false designation of origin/unfair competition. On June 18, 2019, this Court issued an order directing Plaintiffs to file proof of service on Defendants by June 25, 2019. (Doc. No. 8). In response, Plaintiffs' filed proof that they served Defendant Good Timez III, LLC on March 8, 2019 and that they served Defendant Serkan Gul on June 8, 2019. (Doc. No. 9, 10). Thereafter, on June 28, 2019, Gul filed the instant motion to dismiss the claims against him due to Plaintiffs' failure to serve him within 90 days after they filed the complaint, pursuant to Federal Rule of Civil Procedure 4(m).¹

Rule 4(m) provides the following:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff

¹The 90-day period ended on May 20, 2019.

shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). In response to Gul's motion, Plaintiffs argue that the process server had difficulty locating Gul. Furthermore, Plaintiffs point out that they timely served the corporate defendant, which provided actual notice of the lawsuit to Gul, since Gul emailed Plaintiffs' counsel about the lawsuit on March 27, 2019. Therefore, Plaintiffs argue that the Court should extend the deadline for serving Gul until June 8, 2019, because: (1) they have shown good cause for their failure to timely serve him; and (2) he will not be prejudiced, because he had actual notice of the lawsuit in March.

The Court agrees that Plaintiffs have shown good cause for the Court to extend the deadline to serve Gul until June 8, 2019. Accordingly, it is ORDERED AND ADJUDGED that:

- (1) Gul's Motion to Dismiss (Doc. No. 14) is **DENIED**.
- (2) The parties are directed to file a joint case management report by *August 12, 2019*.

DONE AND ORDERED at Tampa, Florida, this 16th day of July, 2019.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
All Parties and Counsel of Record