

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUL 3 1 2000
By NANCY DOHERTY, CLERK *djh*
Deputy

MICHAEL J. QUILLING, as Receiver §
for Hammersmith Trust, LLC, Hammersmith §
Trust, Ltd., Microfund, LLC, and §
B. David Gilliland §

Plaintiff, §

VS. §

JERROLD L. GUNN, ET AL. §

Defendants. §

NO. 3-00-CV-1318-M

ENTERED ON DOCKET
JUL 3 1 2000
U. S. DISTRICT CLERK'S OFFICE

ORDER

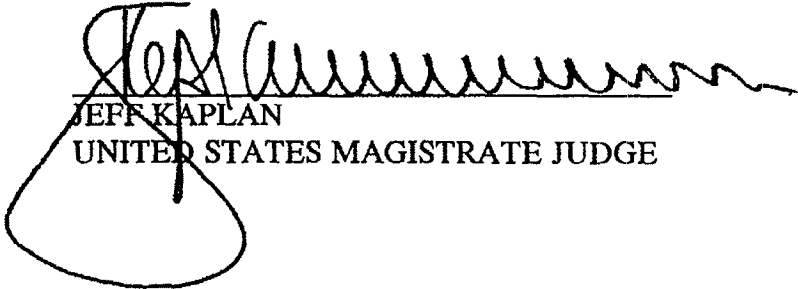
Michael J. Quilling, as Receiver for Hammersmith Trust, LLC and related entities, has advised the Court that he has not yet obtained service of process on Defendants Jerrold L. Gunn and Jerrold L. Gunn, L.L.B., both of whom reside in Canada. The Receiver is ordered to obtain service on defendants by October 17, 2000. Service should first be attempted under Rule 4(d) of the Federal Rules of Civil Procedure.¹ If defendants do not waive service of process, the Receiver shall proceed under the provisions of Rule 4(f). This time period will be extended only upon written motion for good cause shown.

SO ORDERED.

¹ A defendant who receives notice of a civil action in the manner provided by Rule 4(d) "has a duty to avoid unnecessary costs of serving the summons." FED. R. CIV. P. 4(d)(2) (emphasis added). The failure to comply with a request to waive service will require the defendant to pay the costs of service, together with attorney's fees incurred in bringing a motion to collect such costs. FED. R. CIV. P. 4(d)(5).

||

DATED: July 28, 2000.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE