

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

G.K.

CIVIL NO. 21-2242

VERSUS

D.M.

SECTION: T (2)

ORDER AND REASONS

The Court has before it Plaintiff G.K.'s Motion to Quash Service upon him by Intervenor Fishman Haygood, LLP, Michael Dodson, Danielle Teutonico and Monica Bergeron. R. Doc. 258. Intervenor has responded in opposition. R. Doc. 264.

In the Fifth Circuit, "the party on whose behalf [service] is made must bear the burden of establishing its validity." *Aetna Business Credit, Inc. v. Universal Decor & Interior Design, Inc.*, 635 F.2d 434, 435 (5th Cir. 1981). Having considered the parties' briefing, the Court cannot determine whether Plaintiff was properly served with the Intervenor's Complaint. Thus, Intervenor has failed to carry their burden, and the challenged service upon Plaintiff must be quashed. Accordingly,

IT IS ORDERED that Plaintiff's Motion, R. Doc. 258, is **GRANTED** and proof of service upon Plaintiff, R. Doc. 256, is hereby **QUASHED**.

IT IS FURTHER ORDERED that Plaintiff shall file with this Court no later than November 15, 2023, his current and active telephone number, e-mail address, and postal address at which he may be served. Plaintiff is **WARNED** that failure to comply with this order may result in the entry of default judgment against him. *See Sindhi v. Raina*, 905 F.3d 327, 332 (5th Cir. 2018) (noting the "well-settled principle" that Rule 55 allows district courts to enter judgment default against a party for failure to comply with court orders).

IT IS FURTHER ORDERED that Intervenor shall re-serve Plaintiff with their

Complaint in Intervention no later than thirty (30) days after the docketing of any filing Plaintiff may make in conformity with the above order of this Court. If Intervenor is unable to serve Plaintiff at the provided address, Intervenor is **DIRECTED** to notify the Court immediately.

IT IS FURTHER ORDERED that Plaintiff is again **NOTIFIED** of his obligations, pursuant to this district's Local Rule 11.1, to promptly notify the Court of any change to any address or telephone number previously submitted to the Court, and to include his e-mail address, postal address, and telephone number on any and all *pro se* filings made to this Court. Plaintiff is hereby **WARNED** that any future filing he may submit to this Court in violation of Local Rule 11.1 will be rejected as deficient. Plaintiff is further **NOTIFIED** that failure to notify the Court of a current e-mail or postal address may be cause for dismissal of this action pursuant to Local Rule 41.3.1.

New Orleans, Louisiana, this 1st day of November, 2023.


GREG GERARD GUIDRY
UNITED STATES DISTRICT JUDGE