

IN THE IOWA DISTRICT COURT FOR Clarke COUNTY

2008 JUL 31 11:00 AM

Jerry DeWayne Mercer & Eddie Lew Andrews,
Petitioner/Plaintiffs

NO. EQCV010968

vs.
Terence C. Kern, Paul J. Cleary, Phil Lombardi, & Elizabeth A. Stumaker
Respondent/Defendants

ORDER SETTING DEADLINE FOR SERVICE OF PROCESS

Upon a review of the file, the Court finds the ~~Petitioner~~ Plaintiff has not served the ~~Respondent~~ Defendant with Original Notice as required by the Iowa Rules of Civil Procedure. In an effort to comply with the Time Standards for Case Processing of the Iowa Supreme Court, the Court enters the following order.

IT IS ORDERED:

1. ~~Petitioner~~ Plaintiff shall promptly serve Original Notice on Respondent/Defendant as required by Iowa Rule of Civil Procedure 1.302.

2. On the 1st day of October, 2008, this case will be dismissed without prejudice for failure to comply with the service requirements of Iowa Rule of Civil Procedure 1.302 unless **PRIOR** to said date the Petitioner/Plaintiff either:

(A) serves an Original Notice upon the Respondent/Defendant and files proof of service pursuant to Iowa Rule of Civil Procedure 1.308; or

(B) files an affidavit stating justification for failure to timely serve the Original Notice. If an affidavit is timely filed, the Court will either extend the deadline for service of the Original Notice or enter an order setting a hearing to show cause why this case should not be dismissed.

Dated this 31st day of July, 2008.

David L. Christensen
DAVID L. CHRISTENSEN
JUDGE OF FIFTH JUDICIAL DISTRICT OF IOWA

Clerk to mail copies to:

Attorneys of record

