

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE LOOP PRODUCTION,

Plaintiff,

-against-

CAPITAL CONNECTIONS LLC, d/b/a CAPITAL
CONNECTIONS AGENCY, ESCOBAR
ENTERTAINMENT, INC., ABC CORPORATIONS 1-50,
DURBERT O'NEAL BRANDON, JR., a/k/a DURBY
BRANDON, a/k/a KECIA BRANDON, MELVIN
BREEDEN, a/k/a MEL-MAN, a/k/a BIRDMAN, ALISHA
E. HARRIS, a/k/a ALISH HARRIS, MICHAEL MATA,
RYA SOUZA, and JOHN DOES 1-50,

Defendants.

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10 CV 3058 (LTS) (MHD)


[PROPOSED] ORDER

WHEREAS, Plaintiff has moved *ex parte* for permission to serve Defendant Melvin Breeden by alternative means and for additional time to effect such service;

WHEREAS, N.Y. C.P.L.R. § 308(5), which applies pursuant to Rule 4(e) of the Federal Rules of Civil Procedure, permits service upon a natural person in any manner as the court directs if service by statutorily prescribed methods is impracticable;

WHEREAS, Plaintiff has demonstrated that it is impracticable to serve Defendant Melvin Breeden by statutorily prescribed methods;

WHEREAS, under Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff had 120 days from April 9, 2010 to serve Defendant Melvin Breeden but may obtain additional time for good cause;

WHEREAS, Plaintiff has shown good cause for its failure to serve Defendant Melvin Breeden within 120 days;

It is hereby:

ORDERED, that Plaintiff's Motion for Permission to Serve Defendant Melvin Breeden by Alternative Means and for Additional Time to Effect Service is granted; and it is further;

ORDERED, that Plaintiff may serve Defendant Melvin Breeden by doing all of the following:


1. Mailing the Civil Cover Sheet, Summons, Complaint, ECF Rules and Instructions, Rule 7.1 Statement, the Initial Conference Order, the So-Ordered Letter of July 8, 2010 rescheduling the initial conference, the Individual Practices of Judge Laura Taylor Swain, the Individual Practices of Magistrate Judge Michael H. Dolinger (collectively, the "Service Package") and this Order to Mr. Breeden's attention at Big Cat Records at 2020 Howell Mill Road, No. 331, Atlanta, Georgia 30318;
2. Sending an e-mail to Mr. Breeden at Big Cat Records through bigcatrecords@gmail.com and attaching the Service Package and this Order;
3. Sending a separate e-mail to Mr. Breeden at Big Cat Records through its web site, www.bigcatrecords.net, and notifying him that the Service Package and this Order have been sent to the mailing address of Big Cat Records;
4. Faxing this Order to Mr. Breeden at Big Cat Records at 404.759.2812 along with a letter notifying Mr. Breeden that the Service Package has been sent to the mailing address of Big Cat Records;
5. Mailing the Service Package and this Order to Mr. Breeden's attention at the Marietta Storm at 1720 Mars Hill Rd. #179, Acworth, Georgia 30101;
6. Sending an e-mail to Mr. Breeden at the Marietta Storm at mariettastorm@gmail.com and attaching the Service Package and this Order;
7. Sending a letter to counsel for Defendant Capital Connections LLC and to Defendant Durbert O'Neal Brandon, Jr. with copies of the Service Package and this Order and asking them to forward those materials to Mr. Breeden; and
8. Calling Mr. Breeden at 404.840.4391 and notifying him that the Service Package and this Order have been sent to him as indicated above;

And it is further,

ORDERED, that Plaintiff has an additional seven days from the date of this Order to effect service upon Defendant Melvin Breeden in the manner set forth above.

Dated: New York, New York

August 13, 2010



LAURA TAYLOR SWAIN
United States District Judge