

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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JEFFERY BATTLE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.: 23-cv-1822-LKG
v.	)	
	)	Dated: August 29, 2023
MICROSOFT CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

On July 26, 2023, Plaintiff Battle Enterprises, LLC was directed to retain counsel within 28 days of that Order. ECF No. 4. The corporation was forewarned that failure to have counsel enter an appearance on its behalf would result in dismissal of the Complaint. *Id.* To date, Battle Enterprises, LLC has failed to retain counsel nor has it filed anything with the Court concerning its efforts to do so. Rather, in the intervening period, Plaintiff Jeffery Battle has filed three supplements to the Complaint. ECF Nos. 5, 7, 8. As Battle Enterprises, LLC has failed to comply with the Court’s Order, the Complaint will be dismissed as to the corporation’s claims and will proceed only as to Plaintiff Jeffery Battle’s claims.

As Battle has paid the full filing fee, he bears the responsibility for effecting service of process on Defendant Microsoft Corporation. Battle may effectuate service by presenting summons to the Clerk for signature and seal and then serving a copy of the summons and Complaint on Defendant.

Although Battle provided summons along with the Complaint, it is deficient because the address for the corporate Defendant is not the registered agent designated for service in Maryland. Battle will be granted twenty-one (21) days from the date of this Order to correct the deficiency. Battle is forewarned that failure to provide a corrected summons to the Clerk will result in dismissal of the Complaint without further notice and without prejudice.

Service of process on corporations and associations may be made pursuant to Fed. R. Civ. P. 4(h). Battle may contact the office of the Maryland Department of Assessments and Taxation at (410)767-1330 or visit the website at <https://egov.maryland.gov/BusinessExpress/EntitySearch> to obtain the name and service address for Defendant's resident agent.

Both LexisNexis and Westlaw provide free public access to the Maryland Rules. Free public access to the Maryland Rules is also available through the Maryland State Law Library's website at: <https://mdcourts.gov/lawlib/research/gateway-to-md-law/code-rules-laws-sources>.

Pursuant to Fed. R. Civ. P. 4(c)(2), service of a summons and Complaint may be effected by any person who is not a party and who is at least 18 years of age. Battle is reminded that under Fed. R. Civ. P. 4(l), the person effecting service of the summons and Complaint must promptly notify the Court,<sup>1</sup> through an affidavit, that he or she has served Defendant.

If there is no record that service was effectuated on Defendant, Battle risks dismissal of this case. Pursuant to Fed. R. Civ. P. 4(m) and Local Rule 103.8.a., if a party demanding affirmative relief has not effectuated service of process within 90 days of filing the Complaint, the Court may enter an Order asking the party to show cause why the claims should not be dismissed. If the party fails to show cause within the time as set by the Court, the Complaint shall be dismissed without prejudice.

Accordingly, it is this 29<sup>th</sup> day of August, 2023, by the United States District Court for the District of Maryland, hereby ORDERED that:

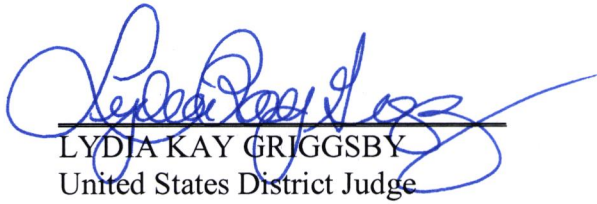
1. The Complaint IS DISMISSED without prejudice as to Plaintiff Battle Enterprises, LLC's claims;
2. Within twenty-one (21) days of the date of this Order, Battle SHALL SUBMIT a completed summons, as instructed herein, to the Clerk and the Clerk SHALL ISSUE summons and RETURN summons to Battle. If service copies of the Complaint were provided, the Clerk SHALL RETURN them to the Battle;
3. Battle IS FOREWARNED that failure to return a completed summons within the time specified will result in dismissal of the Complaint without prejudice and without further notice; and

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<sup>1</sup> If Battle does not use a private process server, and instead uses certified mail, restricted delivery, return receipt requested, to make service, Battle must file with the Clerk the United States Postal Service acknowledgment as proof of service showing who received service and when it was received.

4. The Clerk SHALL SEND a copy of this Order to Battle and Battle Enterprises, LLC.

**IT IS SO ORDERED.**

  
LYDIA KAY GRIGGSBY  
United States District Judge