

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JANET SEBOLD :  
 :  
 v. : Civ. NO. 3:05cv1205 (AHN)  
 :  
 CITY OF MIDDLETOWN, DOMENIQUE :  
 THORNTON, and JAMES MILARDO :  
 :

RULING ON PENDING MOTIONS

Plaintiff Janet Sebold ("Sebold") brings this action against the City of Middletown ("Middletown"); Domenique Thornton ("Thornton"), the former Mayor of Middletown; and James Milardo ("Milardo"), the former Director of Communications for the Middletown Police Department and Sebold's superior. Although Sebold timely served Middletown and Thornton, she did not serve Milardo with her complaint until January 11, 2006, 46 days after the 120-day window for service of process prescribed by Fed. R. Civ. P. 4(m) had closed. Milardo moves to dismiss [doc # 39] under Fed. R. Civ. P. 12(b)(5) for improper service, and Sebold moves nunc pro tunc to extend the deadline for serving Milardo [doc # 47] to include January 11, 2006, the date on which he was actually served.

For the reasons stated on the record at the May 18, 2006 motion hearing, the court finds that Sebold was diligent in her attempts to serve Milardo, and thus Milardo's motion to dismiss [doc # 39] is DENIED. For the same reasons, the court exercises its discretion to extend nunc pro tunc the window for service of

process to include the date on which Milardo was actually served.  
See Johnson v. Fleet, 371 F. Supp. 2d 155 (D. Conn. 2005)  
(extending the window for service of process by 83 days to cover  
the date on which the defendant was actually served). Sebold's  
[doc # 47] motion to extend the deadline for service of process  
is GRANTED.

SO ORDERED the 18th day of May, 2006, at Bridgeport,  
Connecticut.

/s/  
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Alan H. Nevas  
United States District Judge