

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MEGAN CAMPBELL, :
 :
 Plaintiffs, :
 :
 v. : CASE NO. 3:09cv976(RNC)
 :
 RICHARD S. DANIELS, :
 :
 Defendant. :

RULING ON PLAINTIFF'S MOTION FOR
PAYMENT OF COSTS OF SERVICE

Pending before the court is the plaintiff's motion pursuant to Fed. R. Civ. P. 4(d) for an award of attorney's fees and costs incurred in serving the summons and complaint on the defendant after he failed to comply with a request to waive service. (Doc. #20.) The defendant has not filed an opposition or response of any kind to the motion. See D. Conn. L. Civ. R. 7(a).

On June 25, 2009, plaintiff's counsel sent the defendant a waiver of service form and a copy of the complaint in compliance with Fed. R. Civ. P. 4(d). When the defendant failed to return the waiver form within the time required under the rule, plaintiff's counsel subsequently effected service on the defendant. Doc. #5.

Fed. R. Civ. P. 4(d)(2) provides in pertinent part:

If a defendant located within the United States fails to comply with a request for waiver made by a plaintiff located in the United States, the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.

Fed. R. Civ. P. 4(d)(2).

Fed. R. Civ. P. 4(d)(5) provides:

The costs to be imposed on a defendant under paragraph (2) for failure to comply with a request to waive service of a summons shall include the costs subsequently incurred in effecting service under subdivision (e), (f), or (h), together with the costs, including a reasonable attorney's fee, of any motion required to collect the costs of service.

Fed. R. Civ. P. 4(d)(5).

The plaintiff seeks an award of \$350 in attorney's fees and \$76.81 in costs incurred in effecting service on the defendant and in making the instant motion. In light of the defendant's failure to return the plaintiff's waiver of service form, or otherwise respond to the plaintiff's request for a waiver of service, the plaintiff's motion (doc. #20) is granted. See Donaghue v. CT Holdings, Inc., No. 01 CIV 1303, 2001 WL 1543816, at *1 (S.D.N.Y. Dec. 4, 2001) (awarding plaintiff \$406.25 in attorney's fees for the preparation, service and filing of motion, and costs of \$140.00 for effecting service); Bozell Group, Inc. v. Carpet Co-op of America Ass'n, Inc., No. 00 Civ. 1248, 2000 WL 1523282, at *4 (S.D.N.Y. Oct. 11, 2000) (awarding costs of service and a reasonable attorney's fee for preparation of the motion for costs); Estrella v. P.R. Painting Corp., No. CV 06-0717, 2006 WL 3359485, at *1 (E.D.N.Y. Nov. 20, 2006) (awarding costs and fees of \$679.83).

SO ORDERED at Hartford, Connecticut this 18th day of December, 2009.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge