

**IN THE COMMON PLEAS COURT OF DARKE COUNTY, OHIO**

**RICHARD M. CONRAD** : **CASE NO. 11-CV-00431**  
**Plaintiff,** :  
**vs.** : **JONATHAN P. HEIN, JUDGE**  
**ANTHONY BALTES, et. al.** : **JUDGMENT ENTRY –**  
**Defendants.** : **Failure of Service of Process**

This matter came before the Court upon the motion of Defendants Russell Baltes and Tigereye Promotions, LLC to dismiss the complaint filed by Plaintiffs on July 21, 2011. In support of this motion, these Defendants argue that the complaint was not properly served on them. Plaintiff has filed his response and movants have filed a reply.

From the pleadings, it appears that service of process upon Tigereye Promotions, LLC was made by mailing the summons and complaint in compliance with Civil Rule 4.2(6), which requires service to be made upon the “agent authorized by appointment or by law to receive service of process” or by sending notice by certified mail to any of the party’s “usual places of business” or by “serving a partner, limited partner, or manager or member.” However, there does not now appear that valid service has been made on Russell Baltes.

Regarding the motion to dismiss, such remedy is premature at this time. Civil Rule 4(E) provide guidance that service should be made within six months of the date of the

complaint. In view of the Plaintiff's attempts at service and the lack of passage of six months, dismissal is not warranted.

**IT IS THEREFORE ORDERED AND DECREED** that the motion of Defendants Anthony Baltes and Tigereye promotions, LLC to dismiss the complaint is denied. Notice of failure of service on Anthony Baltes is given.

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**Jonathan P. Hein, Judge**

cc: Jeffrey S. Routh, Attorney for Plaintiff (via fax)  
James S. Detling, Attorney for Defendants Anthony Baltes, et. al (via fax)  
Other parties of record, per addresses in file, by ordinary U.S. Mail

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