

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SEALED PLAINTIFF 1,

and

SEALED PLAINTIFF 2,

Plaintiffs,

v.

Civil Action No. 3:22-cv-00670

PATRIOT FRONT, *et al.*,

Defendants.

ORDER

This matter comes before the Court on Sealed Plaintiff 1 and Sealed Plaintiff 2's (collectively, the "Plaintiffs") Request for Clerk's Entry of Default Against Jacob Brown (the "Request"). (ECF No. 114.) In the Request, Plaintiffs explain that "[t]he Clerk of the Court issued a summons as to Defendant Jacob Brown on December 19, 2022" and, after "an investigator hired by Plaintiffs was able to locate and personally serve Mr. Brown in New York" on September 5, 2023, "[t]he executed summons was filed on September 11, 2023." (ECF No. 114, at 1–2.) Plaintiffs note that "[o]n September 19, 2023, the Court ruled that Plaintiffs showed good cause as to why service was not made within 90 days, deemed the service on Mr. Brown timely, and ordered the Clerk not to proceed with abatement." (ECF No. 114, at 2.) Citing Federal Rule of Civil Procedure 12(a)(1)(A), Plaintiffs write that Mr. Brown's "answer or other response was due no later than September 26, 2023", and "[n]o such answer or other response has been filed or served." (ECF No. 114, at 2.) Accordingly, Plaintiffs "request that

the Clerk of the Court enter default against Defendant Jacob Brown as to all claims asserted by Plaintiffs.” (ECF No. 114, at 2.)

On October 19, 2023, the Court ordered Plaintiffs to explain the discrepancy between the Hampton, Virginia address listed as Mr. Brown’s address on the executed summons and the Ridge, New York address at which Mr. Brown was personally served. (ECF No. 115, at 2.) Additionally, the Court ordered Plaintiffs to explain “why notice in Ridge, NY would properly undergird a finding that default should be entered against Mr. Brown.” (ECF No. 115, at 2.)

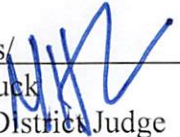
On October 24, 2023, Plaintiffs filed their Response to Order Requesting Explanation of Discrepancy in Addresses for Jacob Brown (the “Response”). (ECF No. 116.) Along with the Response, Plaintiffs also filed a Declaration of Michael R. Shebelskie (the “Declaration.”) (ECF No. 116-1.) In the Declaration, Mr. Shebelskie explains that “[w]hen Plaintiffs filed the Amended Complaint, Plaintiffs’ counsel enlisted researchers to identify an address for [Mr.] Brown using publicly available information”, and “identified a home address for [Mr.] Brown at 140 Powhatan Parkway, Hampton, VA 23661 (the ‘Hampton Address’).” (ECF No. 116-1, at 1–2.) Mr. Shebelskie then explains that “[o]n December 19, 2022, the Clerk issued a summons as to [Mr.] Brown with the Hampton Address.” (ECF No. 116-1, at 2.) Mr. Shebelskie then states that Plaintiffs retained a process server to serve Mr. Brown at the Hampton Address, but the process server was unable to locate Mr. Brown at this address. (ECF No. 116-1, at 2.) Mr. Shebelskie writes that Plaintiffs then hired “a private investigator to locate [Mr.] Brown”, and the private investigator ultimately located and personally Mr. Brown on September 5, 2023, “at 61 Woodlot Road, Ridge, NY 11961 (the ‘Ridge Address’).” (ECF No. 116-1, at 2–3.) Plaintiffs conclude in their Response that “service of process on [Mr.] Brown was properly effectuated pursuant to Federal Rule of Civil Procedure 4(e)(2)(A), which authorizes service upon an

individual by ‘delivering a copy of the summons and of the complaint to the individual personally.’” (ECF No. 116.)

Upon due consideration and pursuant to Federal Rule of Civil Procedure 4(e)(2)(A)¹, the Court finds that Plaintiffs properly effectuated service of process on Mr. Brown. The Court ORDERS the Clerk of the Court to enter default against Defendant Jacob Brown as to all claims asserted by Plaintiffs.

It is SO ORDERED.

Date: 10/26/23
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge

¹ Federal Rule of Civil Procedure 4(e) states, in relevant part:

(e) SERVING AN INDIVIDUAL WITHIN A JUDICIAL DISTRICT OF THE UNITED STATES. Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:

(2) doing any of the following:

(A) delivering a copy of the summons and of the complaint to the individual personally[.]

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