

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2013 JUL 17 AM 11:26

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

Randy A Scott,

Plaintiff,

vs.

LAWRENCE NORMAN YELLON, BOB)
MUSSEY, H. ERIC VENNES, LANCE)
RANDALL, RONALD R. EZELL, STEVEN)
D. GLENN, JILLINA A. KWIATKOWSKI,)
RUTH A. REYNOLDS, GARY CROWE,)
NATIONAL ASSOCIATION OF)
PROFESSIONAL PROCESS SERVERS,)
PAUL TAMAROFF, FLORIDA)
ASSOCIATION OF PROFESSIONAL)
PROCESS SERVERS and JOHN AND/OR)
JANE DOE 1-3, Defendant(s)

Case No.: 2:13-cv-157-Ftm-38DNF

MOTION TO ASSESS SERVICE OF PROCESS COST

This honorable court approved plaintiff informa pauper application. In this it authorized the service of process by the US Marshall office. The plaintiff diligently prepared all forms to effect waiver of service upon the defendants. The US Marshall office subsequently sent out the forms seeking waiver of service of process upon the defendants. The US Marshall office included specific instructions to the defendants on how to return the waiver so as to avoid costs.

The plaintiff about June 17, 2013 in telephone conversations with the US Marshall office and the clerk of court informed them that the plaintiff attorney appearing Pro Hac Vice emailed me about May 24, 2013 his intent to file waivers of service. Both the clerk and the US

Marshall office had no such record on file as returned by the plaintiff counsel.

On June 21, 2013 plaintiff had conversations with the local counsel of Carlton Fields. The purpose was to comply with local rule where parties discuss motions. We only discussed the intent to motion to admit Pro Hac Vice Christopher A. Rycewicz's. Of which the record shows in their motion I objected. In that discussion the plaintiff advised counsel that Christopher A. Rycewicz's has not complied with the US Marshall request to the procedure of returning waivers of service. The counsel referenced plaintiff informa pauper approval as a basis of no harm no foul.

Plaintiff now bring this motion to request the court on behalf of the work of the US Marshall service on his behalf that costs as reflecting in the US FORM 485 in the records are assessed to the defendants who did not waive service. To allow the defendants to sidestep rules and gain the plaintiffs prose or informa pauper standing will only allow the inefficiencies of this case to escalate, disproportionately against the plaintiff, and the efficacy of the case before the court to bring about substantial justice.

Dated this 17th day of July , 2013



Randy Scott
343 Hazelwood Ave S
Lehigh Acres, Fl 33936
239-300-7007

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2013, I delivered the foregoing to the Clerk of the Court of the Middle District of Florida 2110 First Street Ft. Myers, Florida 33901 and upon entry by the court CM/ECF system will send a notice of electronic filing to Richard Barton Akin, II, Henderson, Franklin, Starnes & Holt, P.A. and all counsels of record.