

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RANDY A. SCOTT,

Plaintiff,

v.

Case No: 2:13-cv-157-FtM-38DNF

LAWRENCE NORMAN YELLON, BOB  
MUSSER, 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, JOHN DOE 1, JOHN DOE 2  
and JOHN DOE 3,

Defendants.

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**ORDER**

This cause is before the Court on Plaintiff, Randy A. Scott's Motion to Assess Service of Process Cost (Doc. 86) filed on July 17, 2013. Plaintiff asserts that Defendants should be assessed the cost of service by the U.S. Marshal for failing to complete and return the waiver of service forms. Plaintiff is proceeding *in forma pauperis*. Defendants, National Association of Professional Process Servicers, Lawrence Yellon, Bob Musser, H. Eric Vennes, Lance Randall, Ronald Ezell, Steven Glenn, Jillina Kwiatkowski, Ruth Reynolds, Gary Crowe and Paul Tamaroff filed an Opposition (Doc. 93) on July 26, 2013. Plaintiff asserts that none of Defendants provided a waiver of service of process, and therefore the U.S. Marshal's Service had to serve them personally which wastes money. Defendants assert that all Defendants who received waivers executed them and returned them and therefore no costs should be assessed.

Defendants also assert that Plaintiff is proceeding *in forma pauperis* and has not incurred the costs for service of process. The Court determines that as this time, the Court will not assess costs for service of process, however, if Plaintiff prevails in this action, then Plaintiff has leave to raise this issue of costs for service of process as a reimbursement to the U.S. Marshal's Service at the conclusion of the case.

Plaintiff filed a Response to Opposition to Tax Costs (Doc. 95). Pursuant to Local Rule 3.01(c), no party shall file a reply or "further memorandum directed to the motion or response allowed in (a) and (b) unless the Court grants leave." The Court has not granted Mr. Scott leave to file this reply, therefore, the Court will strike it.

**IT IS HEREBY ORDERED:**

- 1) Motion to Assess Service of Process Cost (Doc. 86) is **DENIED** without prejudice.
- 2) The Response to Opposition to Tax Cost (Doc. 95) is hereby **STRICKEN** and the Clerk shall indicate on the docket that this document is stricken per this order.

**DONE** and **ORDERED** in Fort Myers, Florida on August 1, 2013.

  
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DOUGLAS N. FRAZIER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties