

United States District Court
for the
Southern District of Florida

Metropolitan Life Insurance)
Company, Plaintiff,)
)
v.) Civil Action No. 18-20618-Civ-Scola
)
Daniel McDowell and others,)
Defendants.)

**Order Granting Extension of Time to Serve
Defendant Timothy McDowell and Service By Publication**

This cause is before the Court on Plaintiff's Motion for Order Directing Service of Process by Publication and Extending the Time to Effectuate Service and Supporting Memorandum of Law. (ECF No. 27). In the motion, the Plaintiff seeks the Court's permission to perfect service on Defendant Timothy McDowell by publication, due to its inability to locate a current address for him, and also requests an extension of time in which to serve him.

This case involves competing claims for life insurance benefits arising from the death of Ethel McDowell. (See Compl., ECF No. 1.) At the time of her death, Ethel McDowell was enrolled in a plan for life insurance coverage in the amount of \$20,000.00. (*Id.*) After Ethel's death a dispute arose as to the proper beneficiary or beneficiaries. In the motion, the Plaintiff contends that two defendants have been served, two defendants have waived service, and one defendant, Timothy McDowell, has not been served. The Plaintiff then describes in detail the attempts it has made to locate and serve Timothy McDowell. (See Bock Aff., ECF No. 27-1; Lautier Decl., ECF No. 27-3.) Despite its diligent efforts, however, the Plaintiff has been unable to perfect service on Timothy McDowell.

The Plaintiff therefore requests that the Court permit service by publication pursuant to 28 U.S.C. section 1655, which authorizes service on absent defendants. See 28 U.S.C. § 1655; see also *United States v. Swan's Estate*, 441 F.2d 1082, 1086 (5th Cir. 1971) (service by publication determined to be reasonable way of conveying notice to an absent party in an interpleader action under 28 U.S.C. § 1655).

After considering the motion, the record, and the relevant legal authorities, the Court **grants** the Plaintiff's motion to serve Timothy McDowell by publication (**ECF No. 27**), and the Plaintiff shall have until **September 7, 2018** to effectuate such service. Service of process under 28 U.S.C. section 1655 will give the Court jurisdiction over Timothy McDowell because personal service is not practicable. The Court will issue a separate order to be used by the Plaintiff to complete

service by publication. The Plaintiff shall provide written notification to the Court within ten (10) days of its completion of service of process.

Done and ordered at Miami, Florida, on June 13, 2018.

A handwritten signature in blue ink, appearing to read "R. N. Scola, Jr.", written over a horizontal line.

Robert N. Scola, Jr.
United States District Judge