

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEVEN B. CHERNOFF,)	
)	
Plaintiff,)	CIVIL ACTION
v.)	
)	No. 07-2247-KHV
U.S. MICRON, LLC, et al.,)	
)	
Defendants.)	
_____)	

ORDER

On June 7, 2007, plaintiff sued U.S. Micron, LLC, a limited liability corporation located in Kansas, Micron Alpha, Ltd., a foreign corporation located in the United Kingdom, and Ian Harding and Iain Simpson, individuals located in the United Kingdom, for breach of employment contract and unpaid wages under the Kansas Wage Payment Act, K.S.A. § 44-314. See Doc. #1. On October 15, 2007, the Court ordered plaintiff to show good cause in writing why service of the summons and complaint had not been made on defendants Micron Alpha, Ltd. and Iain Simpson within 120 days from the filing of the complaint, and further show good cause in writing why plaintiff's claims against those defendants should not be dismissed in their entirety without prejudice.¹ See Doc. #11.

In response to the show cause order, plaintiff states that because Micron Alpha, Ltd. and Iain Simpson are located in a foreign country, the 120-day time limit for service under Rule 4(m) does not apply. See Doc. #13. In addition, plaintiff presents facts which demonstrate that plaintiff has been actively attempting to serve said defendants. Plaintiff asks the Court to extend the time for service for an unspecified time.

¹ Plaintiff has served defendants U.S. Micron, LLC and Ian Harding. See Docs. #4 and #12.

On this record, the Court finds that plaintiff has shown good cause why the case should not be dismissed. The Court extends to **November 30, 2007**, the time for plaintiff to serve the summons and complaint on defendants Micron Alpha, Ltd. and Iain Simpson.

IT IS THEREFORE ORDERED that on or before **November 30, 2007**, plaintiff shall serve the summons and complaint on defendants Micron Alpha, Ltd. and Iain Simpson.

Dated this 25th day of October, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge