

1 Stanislav Arbit  
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6 Plaintiff

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF ARIZONA  
10 PHOENIX DIVISION

13 **Stanislav Arbit** ) CASE NO.:CV23-00533-PHX-SPL  
14 Plaintiff, )  
15 ) MOTION FOR SANCTIONS RE: FAILURE  
16 vs. ) TO WAIVE SERVICE OF SUMMONS  
17 **SCHNEIDER ELECTRIC** ) [F.R.C.P. RULE 4 SUMMONS § (D)(2)]  
18 )  
19 **SE**, a foreign entity, )  
20 Defendant. ) MEMORANDUM OF POINTS AND  
21 ) AUTHORITIES  
22 )  
23 )  
24 ) *[Proposed Order Filed Separately]*  
25 )  
26 ) Complaint Filed: 03/29/23  
27 ) Judge Steven P Logan  
28 \_\_\_\_\_

1 Plaintiff moves the Court for an order imposing sanctions on the defendant for failing  
2 to waive service of summons.

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4 MEMORANDUM OF POINTS AND AUTHORITIES IN  
5 SUPPORT OF MOTION FOR SANCTIONS FOR FAILURE TO WAIVE SERVICE  
6 [F.R.C.P. RULE 4 SUMMONS § (D)(2)]  
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8 I.

9 INTRODUCTION

10 Plaintiff filed the complaint on 03/29/23 (Dkt. 1). Docket Document #7 is an order  
11 granting Motion for Leave to Proceed In Forma Pauperis, signed by Judge Steven P Logan on  
12 04/3/23. Docket Document #9 describes Plaintiff's attempts to request waiver of service.  
13 Plaintiff motioned for service by U.S. marshals (Dkt. 12) and the motion was granted (Dkt  
14 14). Docket Document #15 describes attempts by U.S. marshals to obtain waiver of service  
15 and subsequent service in person.  
16

17 II.

18 AUTHORIZATION FOR SANCTIONS FOR COST OF SERVICE BY U.S. MARSHAL

19 F.R.C.P. RULE 4 SUMMONS § (D)(2) provides as follows:

20 2) Failure to Waive. If a defendant located within the United States fails,  
21 without good cause, to sign and return a waiver requested by a plaintiff located  
22 within the United States, the Court must impose on the defendant:

23 (A) the expenses later incurred in making service; and

24 (B) the reasonable expenses, including attorney's fees, of any motion  
25 required to collect those service expenses.  
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1 Docket Document #15 lists the cost of service. The fee is \$130.00 for travel and  
2 \$61.57 for services, for a total of \$191.57 payable to the Court as authorized by F.R.C.P. Rule  
3 4 § (D)(2)(A).

4 F.R.C.P. Rule 4 § (D)(2)(B) allows the Court to impose on the defendant the  
5 reasonable costs of this motion. Plaintiff requests \$200.00 for the cost of making this motion.  
6

7 III.

8 CONCLUSION

9 For all of the foregoing reasons, it is respectfully requested that the Court issue an  
10 order for sanctions for the cost of service of summons to Schneider Electric SE by a United  
11 States marshal or deputy marshal or by a person specially appointed by the court and the cost  
12 of this motion.  
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14 Respectfully submitted,

15 Dated 08/09/23

16 By: Stanislav Arbit

17 Plaintiff

18 /Stanislav Arbit/  
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