

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ESTATE OF KYLE THOMAS BRENNAN,

Plaintiff,

v.

CASE NO: 8:09-cv-264-T-23EAJ

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, INC., et al.,

Defendants.

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**ORDER**

Pursuant to Rule 11, Federal Rules of Civil Procedure, the Church of Scientology Flag Service Organization, Inc., moves for sanctions against the plaintiff's counsel. The motion (Doc. 30) lacks merit and is **DENIED**.

Pursuant to Rule 4(d)(2), Federal Rules of Civil Procedure, the plaintiff requests attorneys' fees and the cost of service for a defendant's failure to waive service of the summons. The reference to the magistrate judge is **WITHDRAWN**, and the motion (Doc. 18) for attorneys' fees is **DENIED**.\*

ORDERED in Tampa, Florida, on July 17, 2009.



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STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE

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\* The plaintiff's motion for reimbursement for the cost of personal service appears moot. The papers include a letter enclosing \$34.00 to reimburse the plaintiff's "out-of-pocket cost in effecting service of process." (Doc. 21 at 8-9) Accordingly, the motion for \$34.00 is **DENIED AS MOOT** without prejudice to renewal after judgment, if not moot. The assessment and payment of costs typically occur after judgment, rather than instantaneously and ad hoc throughout the litigation.