

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EQUAL VOTE AMERICA CORP. and
LEWIS Y. LIU,

Plaintiffs,

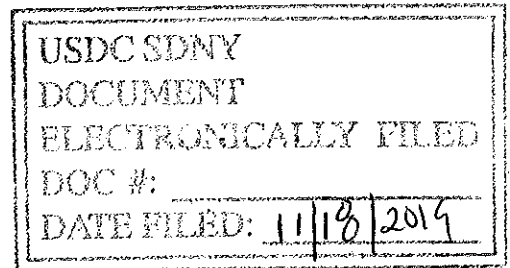
-v-

MITCH McCONNELL in the capacity of
Senate Majority Leader and
CHARLES GRASSLEY in the capacity of
Chairman of the Senate Judicial
Committee,

Defendants.
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19cv8178 (DLC)

ORDER



DENISE COTE, District Judge:

An Order of July 9, 2019, dismissed without prejudice the related case, 19cv2346, due to the plaintiffs' failure to timely file an affidavit of service showing compliance with Fed. R. Civ. P. 4(i)(2). Hours after the case was dismissed, the plaintiffs filed a motion to reopen the case and for leave to file an affirmation that process had been served in compliance with Fed. R. Civ. P. 4(i)(2).

On July 10, 2019, this Court denied the plaintiffs' motion. The July 10 Order explained that the following was "insufficient to demonstrate that service was effectuated in accordance with Fed. R. Civ. P. 4(i)(2)": "an affirmation of service in which counsel for the plaintiffs affirmed that he had 'served the

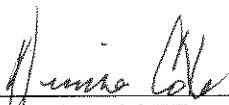
pleadings upon the defendant in this action pursuant to Federal Rule 4(i)(2)' " with an attachment of "a photo of a receipt for the shipment of three items . . . [that] did not contain any information regarding the recipients of the shipped items."

On September 3, 2019, the plaintiffs filed the above-captioned action. On September 24, the plaintiffs filed an affirmation of service in which counsel for the plaintiffs affirmed that he had "served the Summons and Complaint upon the defendants in this action pursuant to Federal Rule 4(i)(2) on September 24, 2019." Attached to this affirmation was a photo of a receipt for the shipment of two items. The receipt did not contain any information regarding the recipients of the shipped items. "USDA.Southern" is handwritten next to one shipment item. "McConnell" is handwritten next to the other shipment item. This handwriting does not cure the deficiencies identified in the July 10 Order in 19cv2346. Accordingly, it is hereby

ORDERED that counsel for the plaintiffs shall show cause by **November 22, 2019** why this case should not be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that the pretrial conference
scheduled for November 22, 2019 is adjourned sine die.

Dated: New York, New York
November 18, 2019



DENISE COTE
United States District Judge