

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Gladys Snipes and Sidney Snipes : CIVIL ACTION  
: :  
v. : :  
: :  
Liberty Mutual Insurance Company : No. 08-2363

**MEMORANDUM AND ORDER**

**Fullam, Sr. J.**

**June 25, 2008**

The defendant removed this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, and has moved to dismiss for improper service under Pennsylvania law. The plaintiffs do not dispute that service was deficient. As the Court has broad discretion in choosing whether to dismiss the complaint or quash service, Umbenhauer v. Woog, 969 F.2d 25, 30 (3d Cir. 1992), and there is reason to believe that proper service could be effected, I will quash service and afford the plaintiffs 30 days to effect proper service unless, of course, counsel for the defendant agrees to accept service on her client's behalf.

The defendant also moves for a more definite statement under Rule 12(e), alleging that the plaintiffs have not sufficiently specified the special damages they seek. The complaint suffices to put the defendant on notice of the claims against it; the details of the claimed damages may be obtained through discovery.

An order follows.

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**O R D E R**

AND NOW, this 25th day of June 2008, upon consideration of Defendant's Motion to Dismiss or for a More Definite Statement and the response thereto, and for the reasons stated in the accompanying memorandum,

IT IS hereby ORDERED that:

1. The Motion to Dismiss is DENIED.
2. Service is QUASHED. Plaintiff shall have thirty (30) days from the date of this Order to effect proper service upon the defendant Liberty Mutual Insurance Company.
3. The Motion for a More Definite Statement is DENIED.

BY THE COURT:

/s/ John P. Fullam  
Fullam, Sr. J.