

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Susan M. Carmen v. Spirit Airlines

Carmen v. Spirit Airlines · No. Civil Action No. 24-4612 · Decided December 31, 2025

SUMMARY

The United States District Court for the District of New Jersey denied Plaintiff Susan M. Carmen’s motion for summary judgment and granted Spirit Airlines’ motion to dismiss for insufficient service of process. The action was dismissed without prejudice because service on a Spirit Airlines ticket agent at Newark Liberty International Airport was not shown to comply with Federal Rule of Civil Procedure 4 or New Jersey law.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Jamel K. Semper
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 31, 2025
DOCKET	Civil Action No. 24-4612
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for summary judgment, and Defendant moved to dismiss for insufficient service of process under Federal Rule of Civil Procedure 12(b)(5). The district court denied Plaintiff's motion and granted Defendant's motion, dismissing the action without prejudice under Rule 4(m).
STANDARD OF REVIEW	On summary judgment, the movant must show that there is no genuine dispute of material fact and that the movant is entitled to judgment as a matter of law, with facts and reasonable inferences construed in favor of the nonmoving party. On a Rule 12(b)(5) motion, the party asserting valid service bears the burden of proof, and the court has broad discretion in evaluating service.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- service of process
- motions to dismiss
- summary judgment
- civil procedure

PRACTICE AREAS

civil procedure

service of process

summary judgment

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to summary judgment based on Defendant's alleged failure to answer the Complaint.
2. Whether service of process was effective when the summons and Complaint were delivered to a ticket agent at an airport without evidence that the agent was authorized to accept service for Spirit Airlines.
3. Whether the action should be dismissed under Federal Rule of Civil Procedure 4(m) because Defendant was not served within 90 days after the Complaint was filed.

HOLDINGS

1. Plaintiff was not entitled to summary judgment because she failed to demonstrate the absence of genuine disputes of material fact and her motion was procedurally improper.
2. Service was insufficient because Plaintiff offered no evidence that the ticket agent was appointed by Spirit Airlines or otherwise authorized to accept service of process.
3. Dismissal without prejudice was warranted because Defendant had not been served within 90 days after the Complaint was filed.

KEY QUOTATIONS

“Plaintiff’s Motion for Summary Judgment is hereby DENIED and Defendant’s Motion to Dismiss is hereby GRANTED without prejudice.” (Section IV)

FACTUAL BACKGROUND

Plaintiff alleged that Spirit Airlines removed her and her health aide from a flight after she fell asleep before departure and disclosed her epilepsy. She alleged that, after traveling to the New York area on another airline and using New Jersey Transit to return to New Jersey, she fell on moving stairs and broke her shoulder. Plaintiff attempted service at an Atlanta airport address, which was returned unexecuted, and later claimed service by delivering the summons and complaint to a Spirit ticket agent at Newark Liberty International Airport.

PROCEDURAL HISTORY

Plaintiff filed suit on April 5, 2024, and was granted leave to proceed in forma pauperis. Service attempted through the U.S. Marshals at an airport address was returned unexecuted, and Plaintiff later claimed service by delivering the summons and complaint to a ticket agent at Newark Liberty International Airport. Defendant moved to dismiss for insufficient service of process, while Plaintiff moved for summary judgment based on Defendant's alleged failure to answer. The court denied summary judgment and dismissed the action without prejudice because Plaintiff failed to show that the ticket agent was authorized to accept service and service was not completed within 90 days.

DISPOSITION

dismissed

CASES CITED

- In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1426 (3d Cir. 1997)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210-11 (3d Cir. 2009)
- Marcinek v. Commissioner, 467 F. App'x 153, 154 (3d Cir. 2012)
- Kreschollek v. S. Stevedoring Co., 223 F.3d 202, 204 (3d Cir. 2000)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 248 (1986)
- Boyle v. County of Allegheny, 139 F.3d 386, 393 (3d Cir. 1998)
- Peters v. Delaware River Port Authority of Pennsylvania & New Jersey, 16 F.3d 1346, 1349 (3d Cir. 1994)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 325 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Lujan v. National Wildlife Federation, 497 U.S. 871, 888 (1990)
- Katz v. Aetna Casualty & Surety Co., 972 F.2d 53, 55 (3d Cir. 1992)
- Grand Entertainment Group v. Star Media Sales, 988 F.2d 476, 488 (3d Cir. 1993)
- Umbenhauer v. Woog, 969 F.2d 25, 30 (3d Cir. 1992)
- Ramada Worldwide Inc. v. Shriji Krupa, LLC, 2013 WL 1903295 (D.N.J. Apr. 17, 2013)
- West v. American Honda Motor Co., No. 08-700, 2008 WL 4104683, at *4 (D.N.J. Aug. 28, 2008)
- United States v. Marple Community Record, Inc., 335 F. Supp. 95, 101 (E.D. Pa. 1971)