

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Daniel Bermudez Lopez v. Enrique Lerma, et al.

Bermudez Lopez v. Lerma · No. 25 Civ. 8885 (JPC) · Decided December 4, 2025

SUMMARY

The United States District Court for the Southern District of New York orders Plaintiff Daniel Bermudez Lopez to effectuate proper service of the Summons, Complaint, and Order on the defendants. The Court found that the existing affidavits of service did not sufficiently establish that service on Disfruting Two LLC, Enrique Lerma, or Anne O’Hare complied with applicable New York law and required proof of service by December 23, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	John P. Cronan
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 4, 2025
DOCKET	25 Civ. 8885 (JPC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a federal complaint and submitted affidavits purporting to establish service of process on the defendants. The court found the affidavits insufficiently specific to determine whether service was proper and ordered plaintiff to effect and document renewed service.
STANDARD OF REVIEW	The court evaluated the adequacy of the affidavits of service and whether they established, or sufficiently demonstrated, proper service of process.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Daniel Bermudez Lopez v. Enrique Lerma, Anne O'Hare, Disfruting Two LLC

TOPICS

- service of process
- civil procedure
- commercial litigation

PRACTICE AREAS

civil procedure

service of process

QUESTIONS PRESENTED

1. Whether the affidavits of service sufficiently established that Disfruting Two LLC, Enrique Lerma, and Anne O'Hare were properly served.
2. What additional service and proof-of-service requirements should be imposed to resolve uncertainty concerning the propriety of service.

HOLDINGS

1. The affidavits of service were insufficiently specific to establish that service on Disfruting Two LLC, Enrique Lerma, and Anne O'Hare was proper because they did not adequately identify the documents delivered or demonstrate that the recipients were qualified to accept service.
2. Plaintiff was required to personally deliver the Summons, Complaint, and Order to each defendant at the defendant's actual place of business or dwelling, serve Disfruting Two LLC through an authorized person, provide additional facts supporting the claimed business address for Lerma and O'Hare, and file more detailed affidavits of service by December 23, 2025.

KEY QUOTATIONS

“To alleviate any doubts about the propriety of service, Plaintiff must serve copies of the Summons, Complaint, and this Order on Defendants by personally delivering it to their actual place of business or dwelling.” (2)

“Proof of service in accordance with this Order should be filed on the docket no later than December 23, 2025.” (2)

FACTUAL BACKGROUND

Plaintiff attempted to serve Disfruting Two LLC through an authorized agent of the New York Secretary of State, but the process server's affidavit stated that the Summons and Complaint were delivered without attaching or identifying those documents. Plaintiff attempted to serve Lerma and O'Hare by delivering the documents to a person identified only as “Mr. Roberto” at 110 Saint Mark's Place. The affidavits did not establish whether Roberto was an employee or otherwise qualified to accept service, and the Complaint did not allege that the address was the defendants' regular place of business.

PROCEDURAL HISTORY

Plaintiff commenced the action on October 27, 2025. He filed an affidavit concerning service on Disfruting Two LLC on October 28, 2025, and affidavits concerning service on Enrique Lerma and Anne O'Hare on November 7, 2025. The district court, acting on its own review of the service documents, ordered plaintiff to personally serve the defendants with the Summons, Complaint, and Order and file proof of service by December 23, 2025.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff was directed to personally serve each defendant with the Summons, Complaint, and Order; serve Disfruting Two LLC on a person authorized to accept service; provide facts supporting 110 Saint Mark's Place as Lerma's and O'Hare's place of business if service occurs there; include fuller descriptions of the recipients and facts supporting their qualification to accept service; and file proof of service by December 23, 2025.

CASES CITED

- Old Republic Ins. Co. v. Pac. Fin. Servs. of Am., Inc., 301 F.3d 54, 57 (2d Cir. 2002)
- Raschel v. Rish, 504 N.E.2d 389, 390 (N.Y. 1986)
- F. I. duPont, Glore Forgan & Co. v. Chen, 364 N.E.2d 1115, 1117 (N.Y. 1977)
- New York v. Green, 420 F.3d 99, 104 (2d Cir. 2005)
- Fashion Page, Ltd. v. Zurich Ins. Co., 406 N.E.2d 747, 751 (N.Y. 1980)