

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Justin Baker v. Lifetime Advocacy Plus et al.

Baker · No. 2:25-cv-01785-TL · Decided December 17, 2025

SUMMARY

The United States District Court for the Western District of Washington strikes as moot Justin Baker’s motion for service of summons by the United States Marshals Service. The court concludes that defendants waived insufficient service of process by filing an answer without challenging service, and directs the clerk to strike the motion.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Tana Lin
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 17, 2025
DOCKET	2:25-cv-01785-TL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding in forma pauperis, moved for service of the summons and complaint by the United States Marshals Service. The court struck the motion as moot because defendants had filed an answer without challenging insufficient service of process.
PRECEDENTIAL VALUE	unknown
PARTIES	Justin Baker v. Lifetime Advocacy Plus et al.

TOPICS

- service of process
- waiver
- personal jurisdiction
- civil procedure

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. Whether defendants waived any defect in service of process by filing an answer that did not challenge insufficient service.
2. Whether plaintiff's motion for service by the United States Marshals Service should be stricken as moot after defendants waived the service requirement.

HOLDINGS

1. Defendants waived the requirement of personal service by filing an answer that demonstrated an intent to defend but failed to raise insufficient service of process.
2. The motion for service by the United States Marshals Service was moot and was properly stricken.

KEY QUOTATIONS

“A federal court does not have jurisdiction over a defendant unless the defendant has been served properly under [Federal Rule of Civil Procedure] 4.” (at 1)

“A general appearance or responsive pleading by a defendant that fails to dispute personal jurisdiction will waive any defect in service or personal jurisdiction.” (at 1)

FACTUAL BACKGROUND

Justin Baker is proceeding in forma pauperis and requested assistance from the United States Marshals Service to serve the summons and complaint on the defendant. Defendants filed an answer before they were served with a summons. The answer did not challenge insufficient service of process, and the court treated the filing as a general appearance demonstrating an intent to defend.

PROCEDURAL HISTORY

Plaintiff filed this federal action and sought assistance with service of process. Before being served with a summons, defendants filed an answer that did not raise insufficient service of process. The district court concluded that defendants waived the service defense and struck plaintiff's service motion as moot.

DISPOSITION

other

CASES CITED

- Direct Mail Specialists v. Eclat Computerized Techs., Inc., 840 F.2d 685, 688 (9th Cir. 1988)
- Benny v. Pipes, 799 F.2d 489, 492 (9th Cir. 1986)
- Benshoof v. Chin, C24-cv-808, 2025 WL 1654674, at *3 (W.D. Wash. June 10, 2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON 9 AT SEATTLE 10 11 JUSTIN BAKER, CASE NO. 2:25-cv-01785-TL 12

Plaintiff, ORDER STRIKING MOTION FOR v. SERVICE BY THE UNITED STATES 13 LIFETIME ADVOCACY PLUS et al., MARSHAL AS MOOT 14 Defendant(s). 15 16 17 This matter is before the Court on Plaintiff's Motion for Service of Summons by the 18 United States Marshal Service.

Dkt. No. 16. Plaintiff is proceeding in this matter in forma 19 pauperis and seeks assistance with service of the Summons and Complaint on Defendant. 20 Having reviewed Plaintiff's motion and the relevant record, the Court STRIKES Plaintiff's motion 21 as MOOT. 22 I. LEGAL STANDARD 23 "A federal court does not have jurisdiction over a defendant unless the defendant has 24 been served properly under [Federal Rule of Civil Procedure] 4." *Direct Mail Specialists v. Eclat* 1 || *Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir.

1988). However, "[a] general appearance 2 || or responsive pleading by a defendant that fails to dispute personal jurisdiction will waive any 3 || defect in service or personal jurisdiction." *Benny v. Pipes*, 799 F.2d 489, 492 (9th Cir. 1986) 4 || (emphasis added); see also Fed. R. Civ. P. 12(h)(1). A pleading is responsive when it 5 || demonstrates a clear intention to defend against the lawsuit. /d.; see also *Benshoof v. Chin*, C24- 6 || cv-808, 2025 WL 1654674, at *3 (W.D.

Wash. June 10, 2025). 7 II. DISCUSSION 8 Pursuant to Federal Rule of Civil Procedure 12, "[a] party waives any defense listed in 9 || Rule 12(b)(2)-(S) by[]... failing to... include it in a responsive pleading[.]" Fed. R. Civ. P. 10 || 12(h)(1)(B)(ai). Included in the Rule 12(b) list of defenses waived is the defense of insufficient 11 || service of process.

Fed. R. Civ. P. 12(b)(5). 12 Here, the answer was filed prior to being served with a summons. By filing an answer, 13 || Defendants have recognized that this matter is in court and that they intend to defend against it. 14 || However, Defendants' answer in this matter failed to raise a challenge for insufficient service of 15 || process. See generally Dkt. No. 32.

Therefore, Defendants waive the requirement for personal 16 || service. As such, Plaintiff's motion is moot. 17 II. CONCLUSION 18 Accordingly, the Court DIRECTS the clerk to STRIKE Plaintiff's Motion for Service by the 19 || United States Marshals (Dkt. No. 16). 20 21 Dated this 17th day of December, 2025. 23 Tana Lin United States District Judge