

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, HUNTINGTON DIVISION

L.C. v. Cabell County Board of Education, Emily Barker, and John
and Jane Does 1-2

L.C. · No. 3:25-0587 · Decided January 13, 2026

SUMMARY

The court grants Plaintiff L.C.’s motion to show cause and for additional time to serve process in an action involving claims under the Americans with Disabilities Act and related claims concerning a minor child. Applying Federal Rule of Civil Procedure 4(m), the court finds good cause and extends the service deadline by 55 days from the order’s issuance, including as to the Cabell County Board of Education without deciding whether service was already perfected.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Huntington Division
WRITING FOR THE COURT	Robert C. Chambers
JURISDICTION	United States District Court for the Southern District of West Virginia, Huntington Division
DECIDED	January 13, 2026
DOCKET	3:25-0587
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to show cause and for additional time to serve process on Emily Barker and Cabell County Board of Education under Federal Rule of Civil Procedure 4(m).
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(m) and exercised its discretion concerning an extension of time for service of process.
PRECEDENTIAL VALUE	nonprecedential district court memorandum opinion and order

TOPICS

- service of process
- civil procedure
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated good cause under Federal Rule of Civil Procedure 4(m) for failing to timely serve Emily Barker.
2. Whether the court could extend the time for service on Emily Barker and Cabell County Board of Education even absent a determination that service on the Board had been perfected.
3. What extension of time for service was appropriate.

HOLDINGS

1. Plaintiff showed good cause for failing to serve Emily Barker within the Rule 4(m) period because she conducted a diligent search but could not locate Barker's address.
2. A district court has discretion to extend the time for service under Rule 4(m) even when the plaintiff has not shown good cause.
3. Plaintiff's time to serve the relevant defendants was extended by 55 days from January 13, 2026.

KEY QUOTATIONS

“However, “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”” (unpaginated)

“The Court, in its discretion, also extends the time for service of process pursuant to Rule 4(m) on CCBOE, given that the Court takes no position on whether Plaintiff has perfected service upon CCBOE.” (unpaginated)

FACTUAL BACKGROUND

Plaintiff brought an Americans with Disabilities Act claim and related claims concerning alleged conduct against a minor at a Cabell County Board of Education school where Emily Barker was employed. Plaintiff stated that she had been unable to locate Barker's address despite a diligent search. Plaintiff also disputed whether service on the Board had been perfected and sought additional time or alternative service.

PROCEDURAL HISTORY

Plaintiff filed the action on October 3, 2025, alleging claims arising from conduct involving a minor at a Cabell County Board of Education school. Plaintiff asserted that, despite a diligent search, she could not locate an address for Defendant Emily Barker and requested additional time to serve Barker. Plaintiff also asked the court to recognize service on the Board as sufficient or, alternatively, to allow additional time or alternative service. After ordering supplemental information, the court granted the motion and extended the service period by 55 days from issuance of the order.

DISPOSITION

other

CASES CITED

- Gelin v. Shuman, 35 F.4th 212, 219 (4th Cir. 2022)

OPINION

L.C.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

L. C., individually and as the parent and guardian of E. C., a minor child, Plaintiff,
v. CIVIL ACTION NO. 3:25-0587

CABELL COUNTY BOARD OF EDUCATION,
EMILY BARKER, and
JOHN AND JANE DOES 1-2,
Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is a Motion to Show Cause and for Leave for Additional Time to Serve Process filed by Plaintiff L.C., individually and as the parent and guardian of E.C., a minor child. ECF No. 8 (“Pl.’s Mot.”). For the reasons stated below, the Court GRANTS Plaintiff’s motion. This action arises out of Plaintiff’s American Disability Act claim and associated counts for alleged conduct against a minor that occurred at a Cabell County Board of Education (CCBOE) school that employed Defendant Emily Barker. Compl. 1, ECF No. 1. Since filing the complaint on October 3, 2025, Plaintiff claims she has been unable to locate an address for Defendant Emily Barker after diligent search. Pl.’s Mot. ¶ 10. Plaintiff requests additional time to serve Defendant Emily Barker. Id. at 1. Plaintiff also requests that the Court find “service has otherwise been sufficiently perfected on Defendant CCBOE upon a proper agent for service of process or, in the alternative, seeks additional time for service via alternative means.” Id. at 1. The Court ordered Plaintiff to supplement her motion with a specified request of time necessary to serve defendants and additional information on her purported service of process on CCBOE. See Order 2, ECF No. 9. Rule 4(m) of the Federal Rules of Civil Procedure requires that a defendant is served within 90 days after a complaint is filed. Fed. R. Civ. P. 4(m). If service does not occur within that timeframe, the Court, on motion or on its own, “must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Id. However, “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Id. The Fourth Circuit has made clear that although good cause necessitates an extension

of the service period, “a district court possess discretion to grant the plaintiff an extension of time to serve a defendant with the complaint and summons even absent a showing of good cause.” *Gelin v. Shuman*, 35 F.4th 212, 219 (4th Cir. 2022). The Court finds Plaintiff has shown good cause for failure to serve Defendant Barker, after a diligent search, and that an extension of an additional sixty days from Plaintiff’s response, as requested by Plaintiff, is reasonable. Pl.’s Resp. to the Court’s Order 1, ECF No. 10. The Court, in its discretion, also extends the time for service of process pursuant to Rule 4(m) on CCBOE, given that the Court takes no position on whether Plaintiff has perfected service upon CCBOE. Accordingly, the Court GRANTS Plaintiff’s motion. Plaintiff’s time to serve the relevant defendants with process is EXTENDED by 55 days from the issuance of this order. The Court DIRECTS the Clerk to send a copy of this written Opinion and Order to counsel of record and any unrepresented parties. ENTER: January 13, 2026

ROBERT C. CHAMBERS

UNITED STATES DISTRICT JUDGE