

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Griffith v. Blankenship, et al.

Griffith · No. 1:24-cv-307 · Decided December 16, 2025

SUMMARY

The court denied Defendants’ motion to dismiss under Federal Rule of Civil Procedure 12(b)(5) for untimely service. Although Plaintiff served Defendants after the Rule 4(m) ninety-day period, the court had previously granted an extension through March 18, 2025, and concluded that the extension was warranted under the applicable discretionary factors and the preference for resolving claims on the merits.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Douglas R. Cole
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	December 16, 2025
DOCKET	1:24-cv-307
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(5) to dismiss the complaint for untimely service. The court denied the motion because Plaintiff served Defendants by the deadline established in the court's prior discretionary extension of time.
STANDARD OF REVIEW	On a Rule 12(b)(5) motion, the party asserting the validity of service bears the burden of showing that service satisfied Federal Rule of Civil Procedure 4 and other applicable law. The court may consider record evidence, including uncontroverted affidavits, in determining the sufficiency of service. Whether to extend the Rule 4(m) service period absent good cause is reviewed as a matter of judicial discretion.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive authority only

PARTIES

Chance Blankenship, Pam Wagner, City of Ironton, Ohio v. Elisha L. Griffith

TOPICS

service of process

motions to dismiss

civil procedure

civil rights

personal injury

PRACTICE AREAS

civil procedure

civil rights

personal injury

QUESTIONS PRESENTED

1. Whether the court should dismiss the complaint under Federal Rule of Civil Procedure 12(b)(5) because Defendants were served more than ninety days after the complaint was filed.
2. Whether the court should reconsider its prior order granting Plaintiff a discretionary extension of the Rule 4(m) service deadline.

HOLDINGS

1. Defendants were properly served because service occurred by the deadline established in the court's prior order granting an extension of time.
2. The court declined to reconsider its prior order granting Griffith an extension of time for service, even after considering the additional facts and arguments presented by Defendants.
3. The court concluded that Griffith's explanation likely fell short of the reasonable, diligent effort generally required to establish good cause, but that deficiency did not require dismissal because the court had discretion to extend the deadline without good cause.

KEY QUOTATIONS

“But “court[s] retain[] discretion as to whether or not to enlarge that timeframe,” Oakland Physicians Med. Ctr., LLC, 44 F.4th at 568 (citation omitted), even where good cause is not present—and the Court used its discretion to do that here” (Law and Analysis)

“That is because, even had the Court known the full facts and arguments that the parties have put before it now, the Court still would have exercised its discretion to grant the extension.” (Law and Analysis)

FACTUAL BACKGROUND

Griffith filed an excessive-force action alleging personal injuries, including a fractured orbital bone, on June 1, 2024. She did not serve Blankenship, Wagner, or the City within Rule 4(m)'s ninety-day period, despite communications between counsel concerning possible acceptance or waiver of service. The court later granted Griffith an extension through March 18, 2025, and all Defendants were served on that date.

PROCEDURAL HISTORY

Griffith filed the action on June 1, 2024, but did not serve Defendants within Rule 4(m)'s ninety-day period. The court granted Griffith's motion for an additional twenty-eight days to complete service, setting March 18, 2025, as the deadline. Griffith served all three Defendants on that date, and Defendants then moved to dismiss. The court declined to reconsider its prior extension and denied the motion to dismiss.

DISPOSITION

other

CASES CITED

- Metro. Alloys Corp. v. State Metals Indus., Inc., 416 F. Supp. 2d 561, 563 (E.D. Mich. 2006)
- United States v. Oakland Physicians Med. Ctr., LLC, 44 F.4th 565, 568–69 (6th Cir. 2022)
- Light v. Wolf, 816 F.2d 746, 751 (D.C. Cir. 1987)
- Robinson v. Tenn. Highway Patrol, No. 1:16-cv-1296, 2017 WL 3234390, at *2 (W.D. Tenn. July 31, 2017)
- Retamar-Lopez v. Dublin City Sch. Dist. Bd., No. 2:13-cv-161, 2013 WL 12130340, at *1 (S.D. Ohio June 27, 2013)
- Johnson v. Smith, 835 F. App'x 114, 115 (6th Cir. 2021)
- Pearison v. Pinkerton's Inc., 90 F. App'x 811, 813 (6th Cir. 2004)
- Webster v. Spears, 664 F. App'x 535, 537 (6th Cir. 2016)

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