

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Young v. City of St. George, Utah

Young · No. 4:25-cv-00016-DN · Decided November 26, 2025

SUMMARY

The United States District Court for the District of Utah denied Adam Young’s motion under Federal Rule of Civil Procedure 60(b)(1) and (6) to set aside the dismissal and judgment entered after failure to timely serve the City of St. George. The court held that Young had not shown good cause, excusable neglect, or extraordinary circumstances warranting relief. The case had been dismissed without prejudice for failure to comply with Rule 4(m) and a court-ordered proof-of-service deadline.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Nuffer
JURISDICTION	United States District Court for the District of Utah
DECIDED	November 26, 2025
DOCKET	4:25-cv-00016-DN
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(1) and (6) to set aside the dismissal without prejudice and judgment entered for failure to comply with Rule 4(m).
STANDARD OF REVIEW	The court exercised discretion in determining whether good cause, excusable neglect, or extraordinary circumstances justified relief under Rules 4(m) and 60(b).
PRECEDENTIAL VALUE	unpublished district court memorandum decision; precedential status unknown
PARTIES	Adam Young v. City of St. George, Utah

TOPICS

- service of process
- motion for reconsideration
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- service of process
- post-judgment relief

QUESTIONS PRESENTED

1. Whether Young established good cause for extending the Rule 4(m) service deadline.
2. Whether Young established excusable neglect warranting relief from the dismissal and judgment under Rule 60(b)(1).
3. Whether extraordinary circumstances warranted relief under Rule 60(b)(6).

HOLDINGS

1. Young failed to establish good cause because the failure to timely serve the City and file proof of service resulted from counsel's own delay, mistakes, and failure to seek an extension despite notice of the deadline and risk of dismissal.
2. Young failed to establish excusable neglect because, although prejudice and delay were minimal and there was no evidence of bad faith, the reason for the delay was within counsel's control and the inadequate explanation was sufficient to defeat relief.
3. Young failed to show extraordinary circumstances warranting relief under Rule 60(b)(6) because counsel admitted responsibility for the delay and the asserted circumstances consisted only of a late summons request, a summons error, and case-management decisions.

KEY QUOTATIONS

“The Tenth Circuit “has interpreted the phrase narrowly, rejecting inadvertence or neglect as ‘good cause’ for untimely service.”” (3)

“The lesson to the federal plaintiff’s lawyer is not to take any chances. Treat the [90] days with the respect reserved for a time bomb.” (4)

FACTUAL BACKGROUND

Young filed his complaint on February 23, 2025, making service due within 90 days under Rule 4(m). He did not timely request issuance of a summons, serve the City, or file proof of service despite a court order setting a June 13 deadline and warning of dismissal. Counsel attributed the delay to managing multiple cases and an error in identifying the summons recipient; service was completed on June 23, 2025, after dismissal had occurred.

PROCEDURAL HISTORY

Young filed his complaint on February 23, 2025, but did not timely serve the City or file proof of service. After the court warned that the action would be dismissed unless proof of service was filed by June 13, 2025, the court dismissed the case without prejudice on June 20, 2025, and judgment was entered. Young then moved to set aside the dismissal and judgment; the court denied the motion.

DISPOSITION

other

CASES CITED

- Putnam v. Morris, 833 F.2d 903, 905 (10th Cir. 1987)
- Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership, 507 U.S. 380, 393 (1993)
- In re Kirkland, 86 F.3d 172, 174-75 (10th Cir. 1996)
- Winters v. Teledyne Movable Offshore, Inc., 776 F.2d 1304, 1305-06 (5th Cir. 1985)
- Utah Republican Party v. Herbert, 678 F. App'x 697, 700-01 (10th Cir. 2017)
- Gorsuch, Ltd., B.C. v. Wells Fargo National Bank Association, 771 F.3d 1230, 1240 (10th Cir. 2014)
- United States v. Torres, 372 F.3d 1159, 1163 (10th Cir. 2004)
- City of Chanute v. Williams Natural Gas Co., 31 F.3d 1041, 1046 (10th Cir. 1994)
- Perez v. El Tequila, LLC, 847 F.3d 1247, 1253 (10th Cir. 2017)
- BLOM Bank SAL v. Honickman, 605 U.S. 204, 211 (2025)
- Ackermann v. United States, 340 U.S. 193, 198 (1950)
- Cox v. Sandia Corp., 941 F.2d 1124, 1126 (10th Cir. 1991)

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