

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Levi Lancaster v. Jeffrey Rehberger, Sr., Jeffrey Rehberger, Jr.,
Letizia Lowe, Cody Lowe, Lacey's Place LLC, and Lucky Lincoln
Gaming, Inc.

Lancaster v. Rehberger · No. 3:25-CV-1366-NJR · Decided January 12, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied Lacey’s Place LLC’s motion to dismiss for insufficient service of process, but granted additional time for Plaintiff Levi Lancaster to complete service under Federal Rule of Civil Procedure 4. The court also granted Lacey’s Place’s motion to vacate the entry of default under Rule 55(c).

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 12, 2026
DOCKET	3:25-CV-1366-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Lacey's Place LLC moved to dismiss for insufficient service of process under Federal Rule of Civil Procedure 12(b)(5) and to vacate the Clerk's entry of default under Rule 55(c).
STANDARD OF REVIEW	For a Rule 12(b)(5) motion, the plaintiff bears the burden of demonstrating compliance with service requirements. Under Rule 55(c), the court considers whether the party seeking relief has shown good cause, acted quickly to correct the default, and presented a meritorious defense.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; precedential status unknown

TOPICS

- service of process
- default
- motions to dismiss
- civil procedure
- title vii

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether Lancaster properly served Lacey's Place under Federal Rule of Civil Procedure 4.
2. Whether the Court should dismiss the claims against Lacey's Place without prejudice or grant Lancaster additional time to complete service under Rule 4(m).
3. Whether the Clerk's entry of default against Lacey's Place should be vacated under Federal Rule of Civil Procedure 55(c).

HOLDINGS

1. Lancaster did not properly serve Lacey's Place by leaving the summons and complaint with an hourly employee, by personally serving individual defendants, or by providing notice through the CM/ECF system.
2. The Court denied dismissal without prejudice and ordered Lancaster to complete service on Lacey's Place within 30 days.
3. The entry of default against Lacey's Place should be vacated under Rule 55(c).

KEY QUOTATIONS

"A district court may not exercise personal jurisdiction over a defendant unless the defendant has been properly served with process, and the service requirement is not satisfied merely because the defendant is aware that he has been named in a lawsuit or has received a copy of the summons and the complaint."
(Discussion § 1)

"Rule 55(c) requires 'good cause' for the judicial action, not 'good cause' for the defendant's error."
(Discussion § 2)

"The Motion to Quash Service and Dismiss the Case for Insufficient Service of Process (Doc. 76) filed by Lacey's Place is DENIED." (Conclusion)

FACTUAL BACKGROUND

Lancaster attempted to serve Lacey's Place by leaving the summons and complaint with an hourly employee who was not shown to be authorized to accept service for the company. Lacey's Place identified Jeffrey L. Rehberger as its registered agent and repeatedly challenged the sufficiency of service while participating in the litigation. Lancaster served certain individual defendants by court-approved alternate means but did not obtain court authorization for alternate service on Lacey's Place, and he later sought default before properly serving the company.

PROCEDURAL HISTORY

Lancaster filed the action on July 14, 2025, and attempted to serve Lacey's Place by leaving the summons and complaint with an hourly employee. Lacey's Place previously moved to quash service, but the Court denied that

motion without prejudice and allowed additional time for service. After Lancaster amended his complaint and sought entry of default against Lacey's Place, Lacey's Place renewed its service challenge and moved to vacate the resulting default. The Court denied dismissal, granted Lancaster 30 days to complete service, and vacated the entry of default.

DISPOSITION

other

REMAND INSTRUCTIONS

Lancaster was directed to effect service on Lacey's Place in accordance with Federal Rule of Civil Procedure 4 by February 12, 2026. Failure to do so could result in dismissal without prejudice under Rule 4(m). The motion to dismiss was denied, and the motion to set aside default was granted.

CASES CITED

- Cardenas v. City of Chicago, 646 F.3d 1001, 1004 (7th Cir. 2011)
- Garner v. Bumble, Inc., No. 3:21-cv-50457, 2023 WL 6065481, at *3-4 (N.D. Ill. Sept. 18, 2023)
- Luxottica Grp. S.p.A v. The Partnerships and Uninc. Assoc's. Identified on Sched. A, 391 F. Supp. 3d 816, 821 (N.D. Ill. 2019)
- United States v. Ligas, 549 F.3d 497, 500 (7th Cir. 2008)
- Mid-Continent Wood Prods., Inc. v. Harris, 936 F.2d 297, 301 (7th Cir. 1991)
- Scherer v. Opportunities Indus. Ctr. of Greater Milwaukee, No. 05-C-261, 2006 WL 2375522, at *5 (E.D. Wis. Aug. 15, 2006)
- Sun v. Board of Trustees of the University of Illinois, 473 F.3d 799, 810-11 (7th Cir. 2007)
- Sims v. EGA Prods., 475 F.3d 865, 868 (7th Cir. 2007)
- Jones v. Phipps, 39 F.3d 158, 162 (7th Cir. 1994)
- Comerica Bank v. Esposito, 215 F. App'x 506, 508 (7th Cir. 2007)
- Stafford v. Mesnik, 63 F.3d 1445, 1450 (7th Cir. 1995)

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