

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, ORLANDO DIVISION

**Ansari Mohamad v. Central Florida Tax and Accounting, Inc., Anees
Ahmand Tanoli, Lawgical Insight, LLC, Andrew Bauta, Michael
Russo, Rottenstreich Farley Bronstein Fisher Potter Hodas LLP,
Meliza Miller, and Richard I. Segal**

Mohamad · No. 6:24-cv-2354-JSS-LHP · Decided February 17, 2026

SUMMARY

The United States District Court for the Middle District of Florida grants defendants Anees Ahmand Tanoli and Central Florida Tax and Accounting, Inc.’s motion to dismiss for insufficient service of process. The court concludes that service on Tanoli and CFTAS did not comply with Federal Rule of Civil Procedure 4 or Florida law, and that the defendants did not waive the defense by opposing a motion for default. The claims against both defendants are dismissed without prejudice under Rule 4(m).

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	February 17, 2026
DOCKET	6:24-cv-2354-JSS-LHP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Anees Ahmand Tanoli and Central Florida Tax and Accounting, Inc. moved under Federal Rule of Civil Procedure 12(b)(5) to dismiss the second amended complaint for insufficient service of process. The court granted the motion and dismissed those defendants without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(5) motion challenging service of process, the plaintiff bears the burden of establishing the validity of service. When service is challenged by affidavit or other proof, the plaintiff must present sufficient evidence demonstrating compliance with the applicable federal or state service requirements.

PRECEDENTIAL VALUE	unpublished
PARTIES	Ansari Mohamad v. Central Florida Tax and Accounting, Inc., Anees Ahmand Tanoli, Lawgical Insight, LLC, Andrew Bauta, Michael Russo, Rottenstreich Farley Bronstein Fisher Potter Hodas LLP, Meliza Miller, Richard I. Segal

TOPICS

service of process personal jurisdiction motions to dismiss civil procedure

PRACTICE AREAS

civil procedure personal jurisdiction service of process

QUESTIONS PRESENTED

1. Whether service on Tanoli was valid under Federal Rule of Civil Procedure 4 or Florida law when Mohamad used Florida Statutes section 48.081, a provision governing service on corporations.
2. Whether service on CFTAS was valid when the process server left the summons and complaint with an alleged company manager but the record did not establish that the individual was an officer, managing or general agent, or authorized agent under federal or Florida law.
3. Whether Tanoli and CFTAS waived objections to service by appearing to oppose Mohamad's motion for default.
4. Whether dismissal without prejudice was required or an extension of time for service was warranted under Federal Rule of Civil Procedure 4(m).

HOLDINGS

1. Service on Tanoli was insufficient because Mohamad invoked Florida Statutes section 48.081, which applies to service on corporations rather than individual defendants, and failed to establish strict compliance with the requirements for substituted service on an individual.
2. Service on CFTAS was insufficient because Mohamad did not establish that Afzal was an officer, managing or general agent, or other agent authorized to receive service under Federal Rule of Civil Procedure 4(h)(1)(B) or Florida law.
3. Tanoli and CFTAS did not waive their objections to service by appearing to oppose Mohamad's motion for default.
4. Because Tanoli and CFTAS were not timely served, had not waived the defense, and Mohamad showed neither good cause nor other circumstances warranting an extension, dismissal without prejudice was appropriate under Rule 4(m).

KEY QUOTATIONS

“Because substituted service of process statutes provide an exception to the general rule that a defendant must be personally served, they must be strictly construed to protect due process guarantees.” (at 8)

“The response to the motion for default did not constitute waiver under Rule 12(h)(1) because such a response is not a pleading or pre-answer motion.” (at 11)

FACTUAL BACKGROUND

Mohamad attempted to serve CFTAS in Florida by leaving the summons and complaint with Junaid Afzal after allegedly finding the registered agent unavailable and no officers present. He attempted to serve Tanoli through the Florida Secretary of State under Florida Statutes section 48.081, although Tanoli was sued as an individual. Mohamad did not address the validity of either service attempt in response to the motion to dismiss. More than ninety days had elapsed since filing, and the record did not show good cause, evasion of service, concealment of a service defect, or a limitations bar to refiling.

PROCEDURAL HISTORY

Mohamad filed this action in December 2024 and later filed amended complaints asserting federal claims under the Electronic Communications Privacy Act and Stored Communications Act. He filed purported returns of service for Tanoli and CFTAS, then moved for default against them. The court denied the default motion in August 2025, noting inadequate proof of service. Tanoli and CFTAS subsequently moved to dismiss, and the court stayed case-management deadlines as to them pending resolution of that motion. The court dismissed both defendants without prejudice under Rules 4(m) and 12(b)(5).

DISPOSITION

dismissed

CASES CITED

- Ganpat v. E. Pac. Shipping, PTE. LTD., 434 F. Supp. 3d 441, 455 (E.D. La. 2020)
- Nat'l Equip. Rental, Ltd. v. Szukhent, 375 U.S. 311 (1964)
- Bridgeport Music, Inc. v. Rhyme Syndicate Music, 376 F.3d 615, 624 (6th Cir. 2004)
- A-One Dahill Moving & Storage Co. v. Am. Ins. Co., 436 So. 2d 424, 425 (Fla. Dist. Ct. App. 1983)
- Carlon, Inc. v. Lindy's of Omni, Inc., 408 So. 2d 243 (Fla. Dist. Ct. App. 1981)
- Navas Bar & Grill, Inc. v. Tapias, 423 So. 3d 495, 498 (Fla. Dist. Ct. App. 2025)
- Baxter v. Miscavige, 2023 WL 1993969, at *3-4 (M.D. Fla. Feb. 14, 2023)
- Societe Hellin, S.A. v. Valley Com. Cap., LLC, 254 So. 3d 1018, 1020 (Fla. Dist. Ct. App. 2018)
- Alvarado-Fernandez v. Mazoff, 151 So. 3d 8, 16 (Fla. Dist. Ct. App. 2014)
- Pinero v. Yam Margate, LLC, 825 F. Supp. 2d 1264, 1265 (S.D. Fla. 2011)
- Labbee v. Harrington, 913 So. 2d 679, 682 (Fla. Dist. Ct. App. 2005)
- Rebalko v. Atallah, 413 So. 3d 170, 172-73 (Fla. Dist. Ct. App. 2025)
- InClaim, LLC v. Structural Wrap, LLC, 413 So. 3d 251, 253, 255 (Fla. Dist. Ct. App. 2025)

- Alvarado v. Cisneros, 919 So. 2d 585, 588-89 (Fla. Dist. Ct. App. 2006)
- Dixon v. Blanc, 796 F. App'x 684, 687 (11th Cir. 2020)
- Wyatt v. Haese, 649 So. 2d 905, 907 (Fla. Dist. Ct. App. 1995)
- Pardazi v. Cullman Med. Ctr., 896 F.2d 1313, 1317 (11th Cir. 1990)
- United States v. Gluklick, 801 F.2d 834, 837 (6th Cir. 1986)
- Perez v. Wells Fargo N.A., 774 F.3d 1329, 1336 (11th Cir. 2014)
- Friends of the Everglades, Inc. v. Sec'y of U.S. Dep't of Homeland Sec., 2025 WL 2598567, at *10 (11th Cir. Sept. 4, 2025)
- Pouyeh v. Pub. Health Tr. of Jackson Health Sys., 718 F. App'x 786, 791 (11th Cir. 2017)
- Martin v. Salvatierra, 233 F.R.D. 630, 631 (S.D. Fla. 2005)
- Fitzpatrick v. Bank of N.Y. Mellon, 580 F. App'x 690, 694 (11th Cir. 2014)
- Horenkamp v. Van Winkle & Co., Inc., 402 F.3d 1129, 1132 (11th Cir. 2005)
- Lepone-Dempsey v. Carroll Cnty. Comm'rs, 476 F.3d 1277, 1281-82 (11th Cir. 2007)
- Castillo v. Sunbelt Rentals, Inc., 2024 WL 6961060, at *1 (M.D. Fla. Aug. 2, 2024)
- Saridis v. Vista St. Lucie Ass'n, 804 So. 2d 372, 373 (Fla. Dist. Ct. App. 2001)
- Blue-Grace Logistics, LLC v. Harry Logistics, Inc., 2020 WL 10055354, at *1 (M.D. Fla. Dec. 7, 2020)

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