

2003 WL 23167292

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United States District Court,  
W.D. Wisconsin.

Berrell FREEMAN, Plaintiff,  
v.  
Gerald BERGE and Jon E. Litscher, Defendants.

No. 03-C-0021-C. | March 20, 2003.

**Attorneys and Law Firms**

David J. Harth, for Plaintiff.

Corey F. Finkelmeyer, Assistant Attorney General,  
Madison, WI, for Defendants.

**Opinion**

**ORDER**

CRABB, J.

\*1 Plaintiff Berrell Freeman has filed a motion for a default judgment. He argues that defendants Gerald Berge and Jon Litscher have failed to answer his complaint within the time prescribed by Fed. R. Civ. P 12(a)(1)(A), which requires a defendant to file and serve an answer within 20 days after being served with the summons and complaint. The problem with this argument is that Fed.R.Civ.P. 12(a)(1)(A) does not apply to defendants' answer. Because defendants waived personal service under Fed.R.Civ.P. 4(d) and accepted service by mail, they have 60 days from the date of service (February 19, 2003) in which to answer plaintiff's complaint. Fed.R.Civ.P. 12(a)(1)(B). Accordingly, IT IS ORDERED that plaintiff's motion for a default judgment is DENIED.