

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JEFFREY VERNON MERKEY,

Plaintiff,

vs.

BRUCE PERENS, et al.,

Defendants.

Case No. 2:05-CV-521 DAK

ORDER

On October 27, 2005, the Court granted Plaintiff's motion to reopen this case. (File Entries #32, 34.) The Court's order reopening this case specified that the case was reopened to allow the Court to address whether the Court's order sealing the Novell Settlement Agreement applies to not only the Clerk of the Court, but also to third parties.

On November 2, 2005, the Court received a letter from Alan P. Petrofsky. That letter brought to the Court's attention that the summons Mr. Petrofsky received did not fully comply with Rule 4 of the Federal Rules of Civil Procedure. For example, the summons did not specify that it was from the District of Utah and

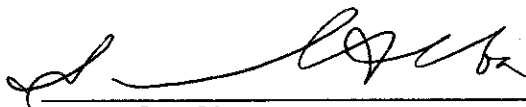
it did not provide the name and address of Plaintiff, who is acting pro se. See Fed. R. Civ. P. 4(a).

Rule 4 of the Federal Rules of Civil Procedure provides that the Court may allow a summons to be amended. See *id.* Based on that provision, and due to the deficiencies in the original summons received by Mr. Petrofsky,

IT IS HEREBY ORDERED that Plaintiff shall amend the summons sent to Mr. Petrofsky to fully comply with the Federal Rules of Civil Procedure and with the rules of this court, within twenty days of the date of this order.

Dated this 28th day of November, 2005.

BY THE COURT:



Samuel Alba
United States Chief Magistrate Judge