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In the second season of the Marvel and Netflix superhero-themed television series Marvel's Daredevil, the season takes place a month after the events of the first season. The. The season primarily focuses on Matt Murdock (Charlie Cox) who goes on to adopt the persona of Daredevil, to make. 541 F.Supp. 1012 (1982) Harvey Joe CARR,

Plaintiff, v. COMMERCIAL UNION INSURANCE COMPANY, a foreign corporation, and its Liability Division, Defendants, No. CIV-81-2028-T. United States District Court, W. D. Oklahoma. February 11, 1982. Richard A. Bell, Jr., Altus, Okl., for plaintiff. Larry Derryberry, Oklahoma City, Okl., for defendants. ORDER RALPH G. THOMPSON, District Judge. This matter comes on for consideration of the Defendants' Motion to Dismiss on the grounds of insufficiency of process and insufficiency of service of process. FACTS Plaintiff filed this tort action against the Defendant alleging the Defendant's negligence and a breach of

fiduciary duty. The Plaintiff was the insured under a policy of insurance issued by Defendant. The policy provides insurance against the liability of the insured for personal injuries resulting from accident. The complaint was filed in the District Court for Stephens County, Oklahoma, and summons was delivered to an agent for service of process as required by 10 O.S. § 2003. Service was made in the correct manner but the citation was not signed by the attorney for Plaintiff as required by 10 O.S. § 2002(A)(2). STANDARD In determining a motion to dismiss for insufficiency of process a court must be mindful of the liberal construction normally afforded pleadings under the

Federal Rules of Civil Procedure and its function in ruling on a motion to dismiss is to determine whether a cause of action can be proved if the facts alleged are proved. The ultimate test in ruling on a motion to dismiss is whether a cause of action has been stated as a matter of law. Otero v. Mesa County Valley School District No. 51, Wyoming, 462 F.2d 1173 (10th Cir. 1972). *1013 Once a court determines a motion has been filed, it may dismiss that portion of the complaint containing defective service of process even though the remainder of the complaint is not defective 595f342e71

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