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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Diners Club International Ltd.,

No. CV 10-0400-PHX-JAT

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Plaintiff,

**ORDER**

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vs.

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Arvin Poole,  
Jane Doe Poole,  
SHAARP Ventures, LLC,  
Gwen Cash,  
John Doe Cash,  
GDC Enterprises,  
GDCash, LLC,

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Defendants.

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The Complaint in this case was filed on February 23, 2010. Defendants Gwen Cash, John Doe Cash, GDC Enterprises, and GDCash, LLC, were dismissed by a stipulated-to judgment on June 10, 2010. Default was entered against Defendants Arvin Poole and SHAARP Ventures, LLC on May 14, 2010. The only other Defendant, Jane Doe Poole, has never been served.

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Service was due on Jane Doe Poole by June 23, 2010. On August 23, 2010, Plaintiff moved to extend time to serve Mrs. Poole<sup>1</sup> and argued that Plaintiff had shown “good cause”

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<sup>1</sup> Plaintiff seeks a “30” day extension, to “September 22, 2010.” However, September 22, 2010 would be a three month extension of the service deadline.

1 why it did not timely serve Mrs. Poole.

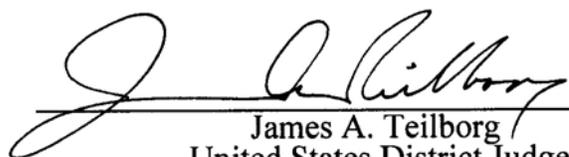
2 Under Federal Rule of Civil Procedure 6(1)(B), the Court may extend an expired  
3 deadline, “if the party failed to act because of excusable neglect.” Plaintiff argues that it  
4 allowed the service deadline to expire due to a clerical error. The Court does not find a  
5 clerical error to be excusable neglect. Accordingly,

6 IT IS ORDERED that the motion to extend time to serve Jane Doe Poole (Doc. 25)  
7 is denied.

8 IT IS FURTHER ORDERED that Jane Doe Poole is dismissed, without prejudice, for  
9 failure to timely serve.

10 IT IS FURTHER ORDERED that within 30 days of the date of this Order, Plaintiff  
11 shall either move for default judgment with respect to the remaining Defendants or show  
12 cause why this case should not be dismissed for failure to prosecute under Federal Rule of  
13 Civil Procedure 41(b).

14 DATED this 1<sup>st</sup> day of September, 2010.

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18 James A. Teilborg  
19 United States District Judge  
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