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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Edward Dominguez and Roberta)
Dominguez, husband and wife,

No. CV-10-0840-PHX-LOA

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Plaintiffs,

ORDER

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vs.

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Freedom Plaza Limited Partnership, dba)
Freedom Plaza Care Center, an Arizona)
limited partnership; ARC HDV, L.L.C., a)
limited liability company,

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Defendants.

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Responding to the Court’s September 20, 2010 OSC why this case should not be dismissed for failure to comply with Court orders pursuant to Fed.R.Civ.P. 41(b), *pro se* Plaintiffs filed a timely response entitled “Motion to Remove Document from Court Record and Notice to Court regarding Service of Process.” (Doc. 19) Plaintiffs indicate “they have hired Nationwide Legal Services to serve both Defendants by October 15, 2010 as ordered by the Court” (*Id.* at 1)

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Plaintiffs also move the Court to strike from the court record, doc. 1 at 4-10, a “privileged” memorandum which was inadvertently attached to the Complaint that Plaintiffs claim is protected by the attorney-client privilege. Rather than strike the document, the Court will order the Clerk of the Court to re-file document 1 except that pages 4 through 10 shall be re-filed as a sealed attachment. Whether the sealed attorney-client memorandum

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1 is later disclosed to Defendants shall abide by further motion and order of the Court.

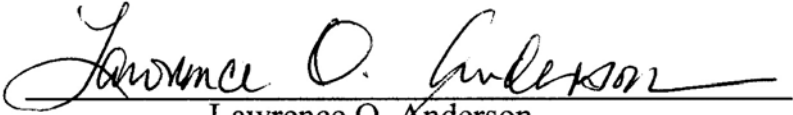
2 Because Plaintiffs are *pro se*, have generally complied with prior court orders
3 by demonstrating due diligence under the circumstances to pursue this lawsuit, and have
4 represented that both Defendants will be served with process by October 15, 2010, the Court
5 will extend the Rule 4(m) service deadline to **Friday, October 29, 2010**. Because it has been
6 nearly six months since Plaintiffs filed this lawsuit, the Court's broad discretion to extend
7 the time for service under Rule 4(m) is not "limitless." *Efaw v. Williams*, 473 F.3d 1038 (9th
8 Cir. 2007)

9 Accordingly,

10 **IT IS ORDERED** that Plaintiffs' Motion to Remove Document from Court
11 Record, doc. 19, is **GRANTED**. The Clerk of the Court is directed to re-file document 1
12 except that pages 4 through 10 shall be re-filed as a sealed attachment which shall not be
13 unsealed absent prior court order.

14 **IT IS FURTHER ORDERED** that, absent an extension upon a showing of
15 good cause and due diligence, Plaintiffs shall serve process on the Defendants, and each of
16 them, on or before **Friday, October 29, 2010** or this lawsuit may be dismissed pursuant to
17 Fed.R.Civ.P. 4(m) and 41(b) .

18 DATED this 7th day of October, 2010.

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21 Lawrence O. Anderson
22 United States Magistrate Judge
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