

E-Filed

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 09-5566-GHK (Ex)	Date	October 20, 2010
Title	<i>Arthur Tillitt, et al. v. American Home Equity Corp., et al.</i>		

Presiding: The Honorable **GEORGE H. KING, U. S. DISTRICT JUDGE**

Beatrice Herrera	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:
None

Attorneys Present for Defendants:
None

Proceedings: (In Chambers) Order Re: Order to Show Cause

On August 26, 2010, we issued an Order to Show Cause (“OSC”) why Defendant American Home Equity Corporation (“American”) should not be dismissed from this action for failure to prosecute and/or failure to serve American within 120 days of the filing of the Complaint as required by Federal Rule of Civil Procedure 4(m). On September 7, 2010, Plaintiffs Arthur Tillitt and Patricia Andrade (collectively, “Plaintiffs”), filed a “Proof of Service” purporting to show that American was served on March 18, 2010, and on September 16, 2010, Plaintiffs requested that the clerk enter default against American. However, on September 17, 2010, the clerk rejected the request for default because the Proof of Service was deficient. As of this date, no further attempt has been made by Plaintiffs to substantiate service upon American or to seek entry of default. Accordingly, cause has not been shown as required by our OSC. We will permit Plaintiffs a final opportunity to show cause, in writing, **within seven (7) days hereof**, why we should not dismiss American from this action for failure to prosecute and/or for failure to serve.

IT IS SO ORDERED.

_____ : _____
 Initials of Deputy Clerk Bea