

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. LA CV14-07212 JAK (PLAx)

Date July 7, 2015

Title Andres Karlsson v. Mathew Zuckerman, et al.

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) ORDER SETTING ORDER TO SHOW CAUSE RE
DISMISSAL FOR LACK OF PROSECUTION**

The Court orders Plaintiff to take the following actions:

1. Defendant Lora Jakobsen

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served within 120 days after the filing of the complaint. Fed. R. Civ. P. 4(m). An action may be dismissed prior to that time if the Plaintiff fails diligently to prosecute the action.

No proof of service has been filed with respect to Defendant Jakobsen. On or before July 20, 2015, Plaintiff shall file a proof of service as to this party; provided, however, the filing by Jakobsen of a pleading in response to the complaint on or before that date, will satisfy this requirement. If neither is timely filed, absent a written showing of good cause in response to this Order, which shall be filed on or before July 20, 2015, the action will be dismissed as to Jakobsen.

2. Defendant Alkane, Inc.

Default as to this Defendant was entered on March 18, 2015. Dkt. 28. On or before July 20, 2015, Plaintiff shall file and serve a motion for default judgment as to this Defendant, which shall be set for hearing consistent with the Local Rules and the Court's Motion Calendar.

3. Defendant Alterna Fuels, Inc.

Plaintiff filed an Amended Proof of Service on March 17, 2015 stating that this Defendant was served on September 16, 2014. Dkt. 24. Pursuant to Fed. R. Civ. P. 55(a), on or before July 13, 2015, Plaintiff shall file an application requesting the entry of default. If a default is entered in response to such request, then within 14 days of its entry, Plaintiff shall file and serve a motion for

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. LA CV14-07212 JAK (PLAx)

Date July 7, 2015

Title Andres Karlsson v. Mathew Zuckerman, et al.

default judgment as to this Defendant. This motion shall be set for hearing on the same date and time as the motion brought as to Defendant Alkane, Inc.

The Court orders Defendant Mathew Zuckerman (“Zuckerman”) to file and serve an answer to the Complaint on or before July 27, 2015. Pursuant to Fed. R. Civ. P. 12, such a response is due 14 days after the denial of a motion. The Court denied Defendant’s Motion to Dismiss, Abstain or Quash Service (Dkt. 17) on May 22, 2015. Dkt. 33. Failure to file an answer will result in the entry of default as to Zuckerman.

On February 18, 2015, the Court set a Scheduling Conference for April 13, 2015, and directed the parties to file unilateral Rule 16(b)/26(f) Reports. Dkt. 16. The parties failed to do so. Thereafter, the Court issued an order directing the parties to file such reports on May 5, 2015 and May 22, 2015. Dkt. 30, 33. Because both parties failed again to comply with the Court’s Orders, sanctions were imposed in the amount of \$100 to be paid by each party on or before June 30, 2015. Their reports were to be filed by June 15, 2015. If either party failed to comply, further sanctions could be imposed on that party. Dkt. 34.

Plaintiff filed the report, but failed to pay the sanctions. Dkt. 35. Zuckerman did not file a report or pay the sanctions. Therefore, the Court orders Zuckerman to file his report on or before July 27, 2015. Both Plaintiff and Zuckerman are ordered to pay sanctions in the amount of \$250 no later than July 27, 2015. Plaintiff’s failure to pay the sanctions may result in the dismissal of the action as to Zuckerman. Zuckerman’s failure to pay the sanctions may result in the entry of default. The failure of either party to pay the sanctions could also result in the imposition of additional monetary sanctions and/or the initiation of contempt proceedings.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
ak _____