

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:21-cv-00155-RGK-RAO Date September 8, 2021

Title *Immersive Management Holdings LLC v. Kahlil Guzi Karmenu Piscopo, et al*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Jennifer Graciano

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Plaintiff’s Motion for Order of Service on Defendants [DE 20]

On January 7, 2021, Plaintiff filed this action against Defendants Kahlil Guzi Karmenu Piscopo (“Piscopo) and Ryan Kinghorn (“Kinghorn”) (collectively, “Defendants”), alleging claims for Fraud/Misrepresentation and Fraudulent Inducement. On April 16, 2021, the Court issued an OSC re Lack of Prosecution for failure to serve Defendants within 90 days after the complaint was filed. On April 22, 2021, Plaintiff timely responded to the OSC. In its response, Plaintiff stated that both defendants are foreign nationals located abroad. Plaintiff represented that it had emailed a copy of the Summons and Complaint to Defendants at email addresses that had been used for a related arbitration matter. On March 17, 2021, Plaintiff received confirmation from Kinghorn’s counsel in Australia that Kinghorn had received Summons. Plaintiff also represented that it had engaged a third-party service to assist in the effort to locate Defendants to effect formal service. On April 23, 2021, after review of Plaintiff’s response, the Court issued an order discharging the OSC and ordering Plaintiff to file proof of service no later than July 31, 2021.

On August 3, 2021, *after* the July 31 deadline specified in the Court’s April 23 Order had lapsed, and seven months after the complaint had been filed, Plaintiff filed the current motion. Plaintiff states that in June 2021, an address for Piscopo in Hong Kong was found, and Plaintiff directed a third-party vendor to serve Piscopo through the Hague Convention. Plaintiff now seeks additional time to effect service. As to Kinghorn, Plaintiff states that although it has been unable to locate him, based on the previous confirmation that Kinghorn received the Summons and Complaint through email, Plaintiff seeks the Court’s approval for email service on Kinghorn.

It is now eight months since Plaintiff filed its complaint. Based on the timeline set forth by Plaintiff, it had all the facts underlying the grounds for its current motion as early as June 2021. Plaintiff has provided no reason why it flouted the Court’s July 31, 2021 deadline, and waited until August to file its motion. Rather, Plaintiff’s motion seemingly implies that since the Rule 4(m) time

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limit on service does not apply to service in a foreign country, Plaintiff is somehow exempt from dates the Court sets for purposes of managing and driving the case forward.

The Court hereby **denies** Plaintiff's motion, and **dismisses, without prejudice**, the action for lack of prosecution.

IT IS SO ORDERED.

Initials of Preparer

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