

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 21-6658 MWF (DFMx) Date: November 16, 2021

Title Calvin Kwon v. Jeffrey R. Earle, et al.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

A review of the docket in this action reflects that the Complaint was filed on August 17, 2021. (Docket No. 1). Pursuant to Federal Rules of Civil Procedure, Rule 4(m), the time to serve the Complaint expired on November 15, 2021.

The Court **ORDERS** Plaintiff to show cause why this action should not be dismissed for lack of prosecution. In response to this Order to Show Cause, the Court will accept the following no later than **NOVEMBER 29, 2021**.

- **BY PLAINTIFF: PROOF OF SERVICE** of Summons, Complaint, and ADA Disability Access Litigation/Application for Stay and Early Mediation Packet on Defendant.

Any request by Plaintiff for an extension of time beyond the time limit set forth in Fed. R. Civ. P. Rule 4(m) will only be granted upon a showing of good cause, including, but not limited to, **the date service was tendered to a process server and the date service was first attempted by the process server**. Failure to timely file a Proof of Service, or request an extension of time to do so, will result in the dismissal of this action on **November 30, 2021**.

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- **BY DEFENDANT: RESPONSE TO THE COMPLAINT (“Response”) or APPLICATION FOR STAY AND EARLY MEDIATION (“ADA Application”) by Defendant who has been served.**

If the Proof of Service requires Defendant’s future Response or ADA Application, and if Defendant does not timely file such a Response or ADA Application, Plaintiff must file an Application to Clerk to Enter Default (“Default Application”) **within five calendar days** after that Response or ADA Application due date. Failure to do so will be deemed abandonment of this action and the Court will immediately dismiss it for lack of prosecution.

- **BY PLAINTIFF: AN APPLICATION FOR CLERK TO ENTER DEFAULT for Defendant who has not timely responded to the Complaint or filed an ADA Application.**

If the Proof of Service reflects that Defendant’s time to respond to the Complaint or file an ADA Application has already expired, Plaintiff must **concurrently** file a Default Application with the Proof of Service. Failure to do so will be deemed abandonment of this action and the Court will immediately dismiss it for lack of prosecution.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the dismissal of this action.

IT IS SO ORDERED.

Initials of Preparer: RS/sjm