

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-09100-SPG-SSC

Date March 4, 2025

Title Nwosu v. Cascade Investment, LLC et al.

Present: The Honorable SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

P. Gomez

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceeding: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR FAILURE TO FILE PROOFS OF PROPER SERVICE WITHIN THE TIME REQUIRED BY FEDERAL RULE OF CIVIL PROCEDURE 4(m)

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on its own motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Courts have “broad discretion” under Rule 4(m). See *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007); *In re Sheehan*, 253 F.3d 507, 513 (9th Cir. 2001) (holding that district court did not abuse its discretion when deciding to dismiss an action instead of granting an extension of time to serve under Rule 4(m)).

In previous filings with the Court, Plaintiff Adaeze Nwosu (“Plaintiff”) asserted she served Defendant BlackRock, Inc., on October 22, 2024, (ECF No. 20 (“BlackRock Proof of Service”)), and Scott Harris, and United States District Judge Christopher Reid Cooper on October 28, 2024, (ECF Nos. 22 (“Harris Proof of Service”), 32 (“Judge Cooper Proof of Service”)).

However, upon Plaintiff’s Requests for Default as to these three Defendants (ECF Nos. 51, 53), the Court issued Notices of Deficiency on December 27, 2024, explaining that the BlackRock Proof of Service, Harris Proof of Service, and Judge Cooper Proof of Service are insufficient because they have “incomplete/missing address[es],” and that “[s]ervice must be made clear of person authorized to accept service.” (ECF Nos. 55–56). Plaintiff subsequently filed a Notice to Clerk re Deficiency Notice Dated December 27 on Plaintiff’s Request for Entry of Default on Select Defendants, (ECF No. 59 (“Notice”). The Notice states without any factual support that the “proof of service of process complies with L.R. 5-3.1.2 Proof of Service AND fed. Rule 4 [sic].” (ECF No. 59 at 1). Such a conclusory statement is not sufficient to show proper service. Plaintiff therefore has not provided sufficient proof that the three Defendants

