

PRIORITY SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 10-00341 VAP(DTBx)

Date: January 31, 2011

Title: ALBERTO TURNER, SANDRA TAFOLLA-TURNER, INDIVIDUALS -v-
RANCHO FINANCIAL, INC. D/B/A RANCHO FINANCIAL MORTGAGE,
INDYMAC, F.S.B., ONEWEST BANK, AZTEC FORCLOSURE
CORPORATION, AS TRUSTEE AND DOES 1-10

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER ORDERING PLAINTIFFS TO SHOW
CAUSE; AND DISMISSING COMPLAINT AGAINST NAMED
DEFENDANTS (IN CHAMBERS)

Plaintiffs Alberto Turner and Sandra Tafolla-Turner ("Plaintiffs") filed their
Complaint against Defendants Rancho Financial, Inc., Indymac, F.S.B., Onewest
Bank, and Aztec Foreclosure Corp., (collectively, "Named Defendants") on March 5,
2010. (Doc. No. 1.) Plaintiffs did not file proofs of service for the Named
Defendants.

On May 21, 2010, however, Plaintiffs filed a waiver of service for Doe 1, now

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known as REO Properties Two, LLP ("REO"). (Doc. No. 5.) REO filed its answer on July 14, 2010. Other than a change in Plaintiffs' attorney, there has been no additional activity in this case.

A. Order to Show Cause

Accordingly, the Court ORDERS Plaintiffs to show cause, in writing, why their Complaint against REO should not be dismissed for failure to prosecute. Plaintiffs response is due no later than February 10, 2011. Failure to file a response will result in dismissal of Plaintiffs' Complaint against REO Properties Two, LLP.

B. Dismissal for Violation of Rule 4(m)

Under Rule 4(m) to the Federal Rules of Civil Procedure, a plaintiff must serve summons and complaint on all named defendants within 120 days of filing. Failure to do so can result in dismissal of the action against the unserved defendant for failure to prosecute. See Fed. R. Civ. P. 4(m).

The present action was filed on March 5, 2010. Accordingly, Plaintiffs were required to serve the Named Defendants by July 6, 2010. As Plaintiffs have not served the Named Defendants, the Court DISMISSES Plaintiffs' Complaint against Defendants Rancho Financial, Inc., Indymac, F.S.B., Onewest Bank, and Aztec Foreclosure Corp. WITHOUT PREJUDICE.

IT IS SO ORDERED.