

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 08-0365-AG(RNBx) Date September 18, 2009

Title TODD AND BONNIE OVERTURF, ET AL v ROCKY MOUNTAIN
CHOCOLATE FACTORY, INC., ET AL

Present: The ANDREW J. GUILFORD, U.S. District Judge
Honorable

Lisa Bredahl Not Present
Deputy Clerk Court Reporter

Attorneys Present for Plaintiffs: Not Present Attorneys Present for Defendants: Not Present

**Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE DISMISSAL FOR
LACK OF PROSECUTION**

The Court on its own motion, hereby ORDERS Counterclaimant The Real Property Trust to show cause in writing no later than September 30, 2009 why the counterclaim should not be dismissed for lack of prosecution. Alternatively, it will be a sufficient response to this OSC to file on or before the OSC date in this paragraph one of the following:

- A proof of service of the summons and complaint on defendant(s);
- ***Papers seeking entry of default or a default judgment;***
- Answers or other filings by the defendant(s).

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 120 days after the filing of the complaint. Fed. R. Civ. P. 4(m). And, if the action has not been diligently prosecuted, the Court may dismiss the action before the expiration of such time.

Plaintiff(s) have the responsibility to respond promptly to orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time. Stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1.

NO oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

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