

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 8:23-cv-00970-CJC-JDE Date November 13, 2023

Title Cal Fresco, LLC et al v. Nutrition Corp, Inc. et al

Present: The Honorable CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal

Deputy Clerk

None Present

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION**

It is a plaintiff's responsibility to prosecute its case diligently. That includes timely serving the complaint and filing a proof of service. Absent a showing of good cause, "[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . *must* dismiss the action." Fed. R. Civ. P. 4(m). Here, 90 days have passed since Plaintiff filed the Complaint, yet no proof of service has been filed. Accordingly, the Court, on its own motion, hereby **ORDERS** Plaintiff to show cause in writing no later than **November 16, 2023** why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider as an appropriate response to this OSC the filing of one of the following on or before the above date:

1. A Notice of Voluntary Dismissal (Fed. R. Civ. P. 41), or
2. A Proof of Service indicating service of the Summons and Complaint was effected on or before **September 1, 2023**. *However, if the deadline to answer has passed by the time Plaintiff files the proof of service, the response to this Order will be deemed sufficient only if one of the following is also filed:*
  - a. Plaintiff's Request for Entry of Default as to Defendants or Defendants' Answers, or
  - b. A stipulation extending Defendants' time to respond to the Complaint that complies with Local Rule 8.3

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No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a timely and appropriate response. Failure to respond to this Order may result in dismissal.

Initials of Deputy Clerk

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