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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OLGA CASILDO, et al.,)	Case No.: 1:17-cv-00601 LJO JLT
)	
Plaintiffs,)	ORDER DISCHARGING ORDER TO SHOW
)	CAUSE
v.)	
)	
ESPARZA ENTERPRISES, et al.,)	
)	
Defendants.)	
)	

On April 28, 2017, the plaintiffs initiated this action for themselves and on behalf of a prospective class. (Doc. 1) Despite that counsel had reported that service occurred on May 1, 2017¹ (Doc. 6) no proof of service had been filed. Moreover, though the parties stipulated to allow the defendant until June 19, 2017 to file a responsive pleading (Doc. 6), the defendant has yet to respond.² Consequently, the Court ordered the plaintiffs to show cause why sanctions should not be impose or to file the proof of service. (Doc. 7) Now, the plaintiffs have filed proof of service showing service occurred on May 4, 2017. (Doc. 8)

///

¹ In light of the proof of service now on file, it appears that claim that service occurred on May 1, 2017 was a typographical error.
² The Court’s concern in issuing the OSC was not so much that there was a lack of service but that there was a lack of proof of service precluding the entry of default. The Court presumes the plaintiffs are considering how to proceed in light of the defendant’s seeming choice not to respond to the complaint. They should make haste to make this determination well in advance of the scheduling conference.

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Therefore, the Court **ORDERS**:

1. The order to show cause is **DISCHARGED**.

IT IS SO ORDERED.

Dated: July 17, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE