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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SUSAN LUDWIG,

Plaintiff,

No. CIV S-10-0325 JAM EFB PS

vs.

ADULT PROTECTIVE SERVICES OF
SACRAMENTO COUNTY; VERNA
MAGNUSON; UNIVERSITY OF
CALIFORNIA DAVIS MEDICAL
CENTER; McKINLEY HEALTH
CENTER; CITY OF SACRAMENTO
POLICE DEPARTMENT; A. CROSBY;
MERCY HOSPITAL; and DOES 1-5,

ORDER

Defendants.

_____ /
This case is before the undersigned pursuant to Local Rule 302(c)(21). See 28 U.S.C.
636(b)(1). On June 2, 2010, because plaintiff had not filed a status report as ordered and because
plaintiff had not yet shown that she had effected service of process on all of the defendants,¹ the
undersigned continued the status conference in this action to August 11, 2010, and ordered
plaintiff to show cause, on or before July 21, 2010, why sanctions should not be imposed for
failure to follow court orders and/or for failure to timely effect service of process under Federal

¹ Defendant Adult Protective Services of Sacramento has filed an answer in this action.
Dckt. No. 4.

1 Rule of Civil Procedure 4(m). Dckt. No. 6.

2 On June 7, 2010, plaintiff filed a motion for extension of time to serve defendants. Dckt.
3 No. 7. In the request, plaintiff contends that she has been ill and/or out of the country or state of
4 California the majority of the time since the complaint was filed and has therefore been unable to
5 determine appropriate persons and addresses to serve each of the defendants. She requests that
6 she have until September 10, 2010 to do so. She also states that she can “better plan [her] status
7 report if [she] know[] by the end of August whether [she] will be having surgery.”

8 Rule 4(m) provides that “[i]f service of the summons and complaint is not made upon a
9 defendant within 120 days after the filing of the complaint, the court, upon motion or on its own
10 initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that
11 defendant or direct that service be effected within a specified time; provided that if the plaintiff
12 shows good cause for the failure, the court shall extend the time for service for an appropriate
13 period.” Here, plaintiff has shown good cause for an extension of time to serve the remaining
14 unserved defendants.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's motion for an extension of time to serve, Dckt. No. 7, is granted;
- 17 2. Plaintiff shall have until September 10, 2010 to serve the remaining unserved
18 defendants and file a proof of such service with the court;
- 19 3. The June 2, 2010 order to show cause is discharged;
- 20 4. The status conference currently set for August 11, 2010 is continued to October 27,
21 2010, at 10:00 a.m. in Courtroom No. 24;
- 22 5. By October 13, 2010, the parties shall file status reports (or a joint status report)
23 setting forth the matters referenced in the court's February 8, 2010 order, including the status of

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1 service of process;² and

2 6. Failure to comply with this order may result in the imposition of sanctions, including a
3 recommendation that this action be dismissed for lack of prosecution. See Fed. R. Civ. P. 41(b).

4 DATED: June 15, 2010.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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24 ² Because defendant Adult Protective Services of Sacramento County already filed a status
25 report herein, it need not file a further status report or participate in the preparation of a joint status
26 report. However, if defendant Adult Protective Services of Sacramento County elects to file a further
status report, it shall do so on or before October 13, 2010.