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

MVP ASSET MANAGEMENT (USA) LLC, )  
a Delaware Limited Liability ) 2:10-cv-02483-GEB-CMK  
Company, )

Plaintiff, ) ORDER

v. )

STEVEN VESTBIRK, JEFF BALLIET, )  
ALLISON HANSLIK, JIM GRANAT, ARK )  
ROYAL ASSET MANAGEMENT, LTD, a )  
Bermuda Limited Company, )  
VESTBIRK CAPITAL MANAGEMENT, )  
LTD., a Bermuda Limited Company, )  
ARK ROYAL ASSET MANAGEMENT, LLC, )  
a Nevada Limited-Liability )  
Company ARK DISCOVERY, LLC, a )  
Business Entity of Unknown Form, )  
ARK ROYAL HOLDINGS, LLC, a )  
Nevada Limited-Liability )  
Company, ARK ROYAL SERVICES, )  
LLC, a Nevada Limited-Liability )  
Company, ARK ROYAL CAPITAL, LLC, )  
a Nevada Limited-Liability )  
Company, ARK ROYAL CAPITAL )  
FUNDING, LLC, a Nevada )  
Limited-Liability Company, ARK )  
ROYAL CAPITAL, INC, a Nevada )  
Corporation, ROYAL CAPITAL )  
FUNDING, LLC, a Nevada )  
Limited-Liability Company, ARK )  
ROYAL RESOURCES LLC, a Nevada )  
Limited-Liability Company, ARK )  
ROYAL ASSURANCE LLC, a Nevada )  
Limited-Liability Company, and )  
ARK ROYAL INVESTMENTS, LLC, a )  
Nevada Limited-Liability )  
Company, )

Defendants. )

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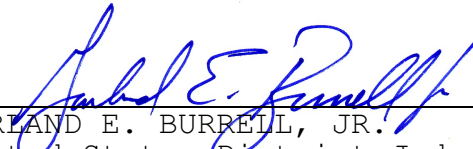
1 Plaintiff was notified in an Order filed March 23, 2011, that  
2 "any defendant not served within the 120 day period prescribed by  
3 [Federal Rule of Civil Procedure 4(m)] may be dismissed as a defendant  
4 . . . unless Plaintiff provide[d] proof of service or 'show[ed] good  
5 cause for the failure' to serve within this prescribed period" by 4:00  
6 p.m. on April 1, 2011. (ECF No. 31.)

7 Plaintiff filed proofs of service on multiple defendants in  
8 response to the March 23, 2011 Order. (ECF Nos. 33-46.) Plaintiff also  
9 filed a written response to the March 23, 2011 Order explaining its  
10 efforts to serve defendant Steven Vestbirk in Bermuda and the United  
11 Kingdom. (ECF No. 51.) Plaintiff has not yet served Mr. Vestbirk, but  
12 argues "[b]y the express terms of Rule 4(m), the 120 day time limit for  
13 service of the complaint does not apply to [Mr. Vestbirk] because he is  
14 not a resident of the United States." Id. at 1:20-22.

15 However, Plaintiff did not file proof of service for defendant  
16 Royal Capital Funding, LLC, and Plaintiff has not show good cause for  
17 his failure to serve this defendant within Rule 4(m)'s prescribed  
18 period. Therefore, Defendant Royal Capital Funding, LLC is dismissed  
19 from this action without prejudice.

20 IT IS SO ORDERED.

21 Dated: April 4, 2011

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GARLAND E. BURRELL, JR.  
United States District Judge  
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