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

TOM KLEPAC, JOY KLEPAC,)	
)	2:11-cv-00752-GEB-GGH
Plaintiffs,)	
)	
v.)	<u>ORDER CONTINUING STATUS</u>
)	<u>(PRETRIAL SCHEDULING)</u>
CTX MORTGAGE COMPANY, LLC;)	<u>CONFERENCE; FED. R. CIV. P.</u>
MORTGAGE ELECTRONIC REGISTRATION)	<u>4 (M) NOTICE</u>
SYSTEMS, INC.; AMERICAN)	
SECURITIES COMPANY, as Trustee;)	
WELLS FARGO BANK, N.A.; QUALITY)	
LOAN SERVICE CORP.; LSI TITLE)	
AGENCY INC.; AURORA LOAN)	
SERVICES, INC.; and DOES 1-100,)	
inclusive,)	
)	
Defendants.)	
_____)	

The Joint Status Report filed November 14, 2011 reveals this case is not ready to be scheduled. (ECF No. 40.) Therefore, the Status (Pretrial Scheduling) Conference scheduled for hearing on November 28, 2011 is continued to April 9, 2012 at 9:00 a.m. A further joint status report shall be filed no later than fourteen (14) days prior.

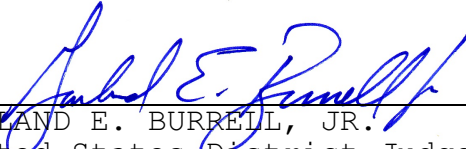
Further, Plaintiffs were required to respond to an Order filed July 11, 2011, by either filing proof that Defendant American Securities Company was served with process or a document showing good cause for Plaintiffs' failure to serve this Defendant within the 120-day period prescribed in Federal Rule of Civil Procedure ("Rule") 4(m). (ECF No.

1 23.) On July 18, 2011, Plaintiffs filed a "Proof of Service of Summons
2 and Complaint" which states American Securities Company was served by
3 mailing the summons and complaint to the agent for service of process by
4 certified mail, return receipt requested. (ECF No. 24.)

5 California Civil Procedure Code section 415.30(c) prescribes
6 that service by mail "is deemed complete on the date a written
7 acknowledgment of receipt of summons is executed, if such acknowledgment
8 thereafter is returned to the sender." Since Plaintiffs' Proof of
9 Service does not state that American Securities Company returned a
10 written acknowledgment, Plaintiffs have not shown that they have
11 effected service on American Securities Company. Therefore, Plaintiffs
12 are notified under Rule 4(m) that to avoid dismissal of Defendant
13 American Securities Company, on or before November 30, 2011, Plaintiffs
14 shall file proof of service for this defendant or a sufficient
15 explanation why service was not effected within Rule 4(m)'s prescribed
16 service period.

17 IT IS SO ORDERED.

18 Dated: November 17, 2011

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22 GARLAND E. BURRELL, JR.
23 United States District Judge
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