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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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GARY TAYLOR, NO. CIV. 2:12-2466 WBS DAD

Plaintiff,

ORDER

v.

144TH FIGHTER WING, CALIFORNIA
AIR NATIONAL GUARD, CALIFORNIA
NATIONAL GUARD, DEFENSE FINANCE
AND ACCOUNTING SERVICES (DFAS),
HARRY M. WYATT III, DAVID S.
BALDWIN, SAMI D. SAID, MARK
GROVES, TERESA MCKAY, and DOES
ONE THROUGH TEN,

Defendants.

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In their Joint Status Report, the parties indicated that none of the individual defendants--Wyatt, Baldwin, Said, Groves, and McKay--in the above-cited case have been served. (Docket No. 28.) Federal Rule of Civil Procedure 4(m) provides:
If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action

1 without prejudice against that defendant or order that
2 service be made within a specified time. But if the
3 plaintiff shows good cause for the failure, the court
must extend the time for service for an appropriate
period.

4 The 120-day limit imposed by Rule 4(m) expires 120 days
5 after the first complaint in which the defendant is named.

6 Rudolph v. UT Starcom, Inc., Civ. No. 07-04578 SI, 2009 WL
7 248370, at *2 (N.D. Cal. Feb. 2, 2009) (citing Bolden v. City of
8 Topeka, 441 F.3d 1129, 1148 (10th Cir. 2006)); City of Merced v.
9 Fields, 997 F. Supp. 1326, 1337-39 (E.D. Cal. 1998) (Coyle, J.).

10 The individual defendants were named for the first time in this
11 action in the First Amended Complaint ("FAC") filed on January
12 29, 2013. (Docket No. 21.) Plaintiffs must therefore complete
13 service of process on those parties within 120 days after the FAC
14 was filed.

15 The parties stipulate that the United States waives
16 process service of the summons and complaint under Federal Rule
17 of Civil Procedure 4(i) upon the United States Attorney, the
18 United States Attorney General, and DFAS. The parties further
19 stipulate that the time for response to the FAC by the United
20 States, DFAS, and the first two individual defendants to be
21 served with the summons and complaint under Rule 4, be extended
22 until sixty days after the date of service of the summons and
23 complaint upon the third individual defendant to be served with
24 process.

25 Finally, because the parties have requested that
26 initial disclosures, discovery scheduling, and pretrial motion
27 scheduling be deferred until all individual defendants are
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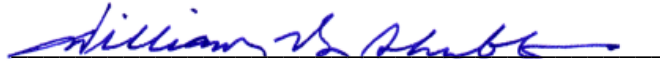
1 served, the scheduling conference in this matter is hereby
2 continued until July 8, 2013. Pursuant to Local Rule 240, the
3 parties shall submit to the court a Joint Status Report fourteen
4 (14) calendar days prior to the hearing date.

5 IT IS SO ORDERED.

6 DATED: March 15, 2013

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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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