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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES of the
LEGAL DEFENSE FUND of the
PEACE OFFICERS RESEARCH
ASSOCIATION OF CALIFORNIA
(PORAC), an ERISA trust,

Plaintiff,

v.

LACKIE, DAMMEIER, MCGILL &
ETHIR, an unspecified entity;
DIETER C. DAMMEIER, an
individual; MICHAEL A.
McGILL, an individual;
SAKUNTHALA E.
ETHIRVEERASINGAM,
also known as SAKU E. ETHIR,
an individual; PETER J.
HORTON, an individual; KASEY
L. SIRODY, an individual;
CHRISTOPHER L. GASPARD, an
individual; KASEY A.
CASTILLO, an individual; JOHN
H. BAKHIT, an individual; and
DOES 1 through 25, inclusive,

Defendants.

No. 2:14-cv-00862-GEB-KJN

**ORDER CONTINUING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE; FED. R. CIV. P. 4 (M)
NOTICE**

On July 2, 2014, Plaintiff filed an Ex Parte
Application for Order Continuing Scheduling Conference in which
it requests the Status Conference be continued until October 13,
2014. (Pl.'s Ex Parte Appl. 1:21-25, ECF No. 5.) Plaintiff states

1 in its Ex Parte Application, in relevant part:

2 The currently scheduled scheduling
3 conference set for July 21, 2014 should be
4 continued because the parties are close to
5 settlement and have therefore held off on
6 proceeding with this action until such
7 negotiations are concluded. Plaintiff expects
8 to know within the next week or so whether
9 the mediation before the Hon. Dickran
10 Tevrizian has been successful and a complete
11 resolution of this matter achieved. Although
12 shortly after filing this action, Plaintiff
13 sent to the defendants requests to waive
14 service of summons, their deadline to respond
to those requests only recently expired. As
none of the defendants waived service,
Plaintiff will have to personally serve each
of them should the pending settlement
negotiations be unsuccessful. In any event,
none of the defendants has yet been served
and none has appeared. A scheduling
conference at this time would accordingly be
premature and a continuance appropriate to
avoid potentially unnecessary court
proceedings.

15 Id. at 3:3-18.

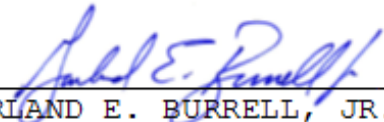
16 In light of these representations, Plaintiff is granted
17 an extension under Federal Rule of Civil Procedure ("Rule") 4(m)
18 to effectuate service on each Defendant until and including
19 September 5, 2014. Plaintiff is notified under Rule 4(m) that
20 failure to serve each Defendant with process by September 5,
21 2014, may result in any unserved defendant's dismissal or the
22 action's dismissal for failure of service and/or prosecution. To
23 avoid dismissal, on or before September 8, 2014, Plaintiff shall
24 file proof of service for each Defendant or a filing providing
25 sufficient explanation why service was not completed within the
26 extended service period.

27 Further, the Status (Pretrial Scheduling) Conference
28 scheduled for hearing on July 21, 2014, is continued to October

1 27, 2014, at 9:00 a.m. A joint status report shall be filed no
2 later than fourteen (14) days prior.

3 Dated: July 11, 2014

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GARIAND E. BURRELL, JR.
Senior United States District Judge