

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CUNZHU ZHENG, et al.,
Plaintiffs,
v.
YAHOO! INC. et al.,
Defendants

No. C-08-1068 MMC

**ORDER EXTENDING DEADLINE TO
SERVE PEOPLE’S REPUBLIC OF
CHINA**

Before the Court is plaintiffs’ response, filed December 21, 2009, to the Court’s December 2, 2009 order directing plaintiffs to show cause why their claims against the People’s Republic of China (“PRC”) should not be dismissed for failure to prosecute and failure to timely effectuate service.¹

In their response, plaintiffs request an additional thirty days to effectuate service on the PRC, noting they have “only recently” been able to hire a translator to translate the operative pleading and also hire an attorney in China who can serve the summons and a

¹Plaintiffs did not provide the Court with a chambers copy of their response. For future reference, plaintiffs are reminded of the following provision in the Court’s Standing Orders: “In all cases that have been assigned to the Electronic Case Filing Program, the parties are required to provide for use in chambers one paper copy of each document that is filed electronically. The paper copy of each such document shall be delivered no later than noon on the day after the document is filed electronically. The paper copy shall be marked ‘Chambers Copy’ and shall be delivered to the Clerk’s Office in an envelope clearly marked with the judge’s name, case number, and ‘E-Filing Chambers Copy.’”

1 copy of the operative pleading on the PRC at an office in Beijing, China. (See Bourke
2 Decl., filed December 21, 2009, ¶ 2.) Although plaintiffs fail to explain why it has taken
3 approximately a year and a half to hire the above-referenced translator and attorney,² the
4 Court will exercise its discretion to extend the deadline to serve the PRC by an additional
5 thirty days from the date of plaintiffs' December 21, 2009 response.

6 Accordingly, the deadline to serve the PRC is hereby EXTENDED to January 20,
7 2010. If, by January 27, 2010, plaintiffs have not filed a proof of service on the PRC, the
8 Court will dismiss plaintiffs' claims against the PRC, without prejudice, for failure to
9 prosecute and failure to timely serve.

10 **IT IS SO ORDERED.**

11
12 Dated: December 28, 2009

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MAXINE M. CHESNEY
United States District Judge

²The First Amended Complaint, the pleading in which the PRC was first named as a defendant, was filed June 16, 2008.