

United States District Court
For the Northern District of California

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

No. C-09-2850 MMC

SUSAN K. TOOR,
Plaintiff,
v.
FARHAD KHAN, et al.,
Defendants

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE;
DIRECTING PLAINTIFF TO SHOW
CAUSE WHY CLAIMS AGAINST
DEFENDANTS KHAN AND
KARAMEHMEDOVIC SHOULD NOT BE
DISMISSED; SETTING DEADLINE FOR
PLAINTIFF TO SERVE DEFENDANT
MORTGAGEIT**

A Case Management Conference in the above-titled action is scheduled for
December 11, 2009.

Defendant OneWest Bank, F.S.B. ("OneWest"), however, has recently filed a motion
to dismiss the claims alleged against it in the Second Amended Complaint ("SAC").
Further, the docket does not reflect that plaintiff has served the SAC on defendants Farhad
Khan ("Khan") or Vanda Karamehmedovic ("Karamehmedovic"), each of whom proceeds
pro se and has previously appeared in the instant action.¹ Under such circumstances, the
Court finds it would not be productive to conduct a Case Management Conference on

¹Although the record does not expressly indicate service of the First Amended
Complaint ("FAC") on either Khan or Karamehmedovic, both Khan and Karamehmedovic
joined in the removal of the instant action, which removal occurred after the FAC had been
filed.

1 December 11, 2009.²


2 Accordingly, the Case Management Conference is hereby CONTINUED from
3 December 11, 2009 to March 26, 2010, at 10:30 a.m. A Joint Case Management
4 Statement shall be filed no later than March 19, 2010.

5 Additionally, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later
6 than December 24, 2009, why her claims against Khan and Karamemedovic should not
7 be dismissed for failure to prosecute.

8 Finally, because the docket does not reflect that plaintiff has served the SAC on
9 defendant Mortgagelt, Inc. ("Mortgagelt"), and because plaintiff had previously voluntarily
10 dismissed Mortgagelt from the instant action,³ plaintiff is hereby DIRECTED to serve
11 Mortgagelt with a summons and copy of the SAC no later than February 22, 2010,
12 pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, or to show cause, no later
13 than December 24, 2009, why it should not be required to do so.

14 **IT IS SO ORDERED.**

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16 Dated: December 8, 2009


MAXINE M. CHESNEY
United States District Judge

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23 ²Further, plaintiff Susan K. Toor and OneWest have failed to file a Joint Case
24 Management Statement, which statement was due no later than December 4, 2009.

25 ³While the instant case was pending in state court, plaintiff served a summons and a
26 copy of the initial complaint on Mortgagelt, and served Mortgagelt, apparently
27 electronically, with a copy of the FAC. Subsequent to the removal of the instant action,
28 plaintiff, on July 23, 2009, filed a notice by which plaintiff voluntarily dismissed all of her
claims against Mortgagelt, and the Clerk of the Court subsequently terminated Mortgagelt
as a party hereto. As a result of the termination, Mortgagelt is no longer being served
electronically with documents filed in the instant action.