

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

DELAINE M. HOFFMAN,
Plaintiff,
v.
INDYMAC BANK FSB, et al.,
Defendants.

No. 10-0802 MMC

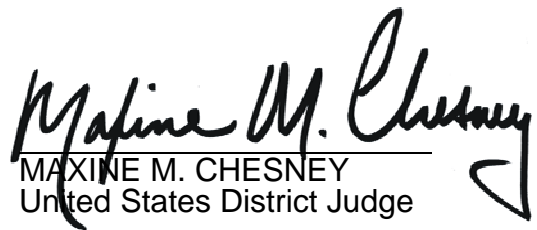
**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY CLAIMS AGAINST
DEFENDANT FIRST AMERICAN TITLE
INSURANCE COMPANY SHOULD NOT
BE DISMISSED FOR FAILURE TO
SERVE**

“If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or its own initiative, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified period” Fed. R. Civ. P. 4(m).

On February 25, 2010, plaintiff filed her initial complaint and included therein claims against defendant First American Title Insurance Company (“FATIC”). To date, plaintiff has not filed proof of service of the summons upon FATIC.¹ Pursuant to Rule 4(m), plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later than September 20, 2010, why plaintiff’s claims against FATIC should not be dismissed for failure to serve within the time required by Rule 4(m).

IT IS SO ORDERED.

Dated: August 31, 2010


MAXINE M. CHESNEY
United States District Judge

¹On June 18, 2010, plaintiff filed a Proof of Service, in which a process server states that on May 11, 2010 he served on FATIC a number of documents, including the Amended Verified Complaint, but does not state he served FATIC with the summons on any date.