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United States District Court
For the Northern District of California

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

CHRISTIE HOLLOWELL,
Plaintiff,
v.
ALLIANCE BANCORP, INC., et al.,
Defendants.

No. C-10-1658 MMC

**ORDER DEFERRING RULING ON
ORDER TO SHOW CAUSE; AFFORDING
PLAINTIFF OPPORTUNITY TO FILE
SUPPLEMENTAL RESPONSE**

Before the Court is plaintiff Christie Hollowell’s (“Hollowell”) response, filed January 17, 2011, to the Court’s December 17, 2010 order directing Hollowell to show cause why her claims against defendant Alliance Bancorp, Inc. (“Alliance”) should not be dismissed for failure to serve Alliance.¹ Having read and considered Hollowell’s response, the Court hereby rules as follows.

“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 without prejudice against that defendant or order that service be made within a specified time.”

¹By order filed January 21, 2011, the Court directed Hollowell to comply with General Order 45 and the Court’s Standing Orders by submitting a chambers copy of her response to the motion. Hollowell, however, failed to comply. All parties are expected to comply with court orders without repeated reminders. Accordingly, Hollowell is hereby advised that for any further failure to comply with General Order 45, the Court will impose sanctions, including, but not limited to, striking from the record any electronically-filed document of which a chambers copy has not been timely provided to the Court.

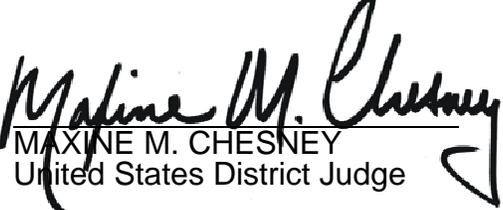
1 Fed. R. Civ. P. 4(m). A district court “must extend” the deadline to serve upon a showing of
2 “good cause” and has discretion to extend the deadline upon a showing of “excusable
3 neglect.” See Lemoge v. United States, 587 F.3d 1188, 1198 (9th Cir. 2009).

4 Here, Hollowell initially filed her complaint in Bankruptcy Court on November 13,
5 2009, and, to date, although more than a year has passed, has not filed proof of service of
6 the summons and complaint on Alliance. In her response to the order to show cause,
7 Hollowell states that her prior counsel has failed to provide her current counsel with
8 information as to why Alliance has not been served. To the extent Hollowell may be
9 asserting good cause to excuse the failure to serve exists because any omission must have
10 been the fault of her prior counsel, the Court disagrees. See Link v. Wabash R. Co., 370
11 U.S. 626, 634 (1962) (holding in “our system of representative litigation . . . each party is
12 deemed bound by the acts of his lawyer-agent”). Nevertheless, the Court will afford
13 Hollowell one further opportunity to obtain the requisite information from prior counsel
14 and/or otherwise show cause why an extension to serve is warranted.

15 Accordingly, the Court hereby DEFERS ruling on its Order to Show Cause;
16 Hollowell’s supplemental response thereto, if any, shall be filed on or before February 18,
17 2011.

18 **IT IS SO ORDERED.**

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20 Dated: January 27, 2011

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22 MAXINE M. CHESNEY
23 United States District Judge
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