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

ALANA KASELITZ, an individual; and
MELISSA KASELITZ, an individual,

Plaintiffs,

v.

HISOFT TECHNOLOGY INTERNATIONAL,
LTD., a Cayman Islands exempt company;
and TIAK KOON LOH, an individual,

Defendants.

No. C-12-5760 MMC

**ORDER DIRECTING PLAINTIFFS TO
SHOW CAUSE WHY CLAIMS AGAINST
TIAK KOON LOH SHOULD NOT BE
DISMISSED FOR FAILURE TO SERVE;
VACATING MAY 17, 2013 CASE
MANAGEMENT CONFERENCE**

Before the Court is defendant hiSoft Technology International, Ltd.'s ("hiSoft Technology") Case Management Statement, filed May 10, 2013.

In its statement, hiSoft states that plaintiffs, in conformity with the Court's order of February 15, 2013, instituted arbitration proceedings against hiSoft. Further, according to hiSoft, plaintiffs have not served defendant Tiak Koon Loh ("Loh") with the summons and complaint, but did name him as a party to the arbitration proceedings.

"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." Fed. R. Civ. P. 4(m). Where, as here, a complaint is removed from state court, the 120-day period runs from the date of removal. See 28 U.S.C. § 1448; Fed. R. Civ. P. 81(c)(1).

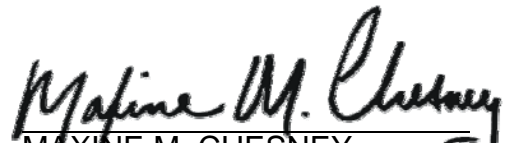
1 The instant action was removed on November 9, 2012, and, to date, plaintiffs have
2 not filed proof they have served the summons and complaint on Loh.

3 Accordingly, plaintiffs are hereby ORDERED TO SHOW CAUSE, in writing and no
4 later than May 28, 2013, why plaintiffs' claims against Loh should not be dismissed without
5 prejudice pursuant to Rule 4(m).

6 In light of the above, the May 17, 2013 Case Management Conference is hereby
7 VACATED.

8 **IT IS SO ORDERED.**

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10 Dated: May 14, 2013


MAXINE M. CHESNEY
United States District Judge

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