

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

ROSE EVERETTE,

No. C 13-01398 SI

Plaintiff,

v.

**ORDER TO SHOW CAUSE WHY  
CLAIMS AGAINST DEFENDANT  
URBANCZYK SHOULD NOT BE  
DISMISSED FOR FAILURE TO  
PROSECUTE**

SUPPLEMENTAL HEALTH CARE, INC. and  
JACQUELINE URBANCZYK,


Defendants.

On March 29, 2013, plaintiff Everett filed this suit against defendants Supplemental Health Care, Inc. And Jacqueline Urbanczyk alleging tortious negligence. Plaintiff and defendant Supplemental Health Care have filed a stipulation dismissing the complaint against Supplemental Health Care. However, no mention was made of individual defendant Urbanczyk. Plaintiff has not provided proof that defendant Urbanczyk has been properly served a summons and copy of the complaint. Proper service must be made within 120 days after the complaint is filed, or the action may be dismissed. Fed. Rule Civ. Pro. 4(m); *see also* Fed. Rule Civ. Pro. 12(b)(5).

**Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing no later than August 22, 2013, why the claims against defendant Urbanczyk should not be dismissed without prejudice for failure to prosecute.**

**IT IS SO ORDERED.**

Dated: August 12, 2013

  
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SUSAN ILLSTON  
United States District Judge