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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID PAK, et al.,
Plaintiffs,
v.
VIGO INDUSTRIES, LLC, et al.,
Defendants.

Case No. [14-cv-02033-MEJ](#)

**ORDER TO SHOW CAUSE WHY
CLAIMS AGAINST DEFENDANT
SURPLUSDÉCOR.COM SHOULD NOT
BE DISMISSED**

On December 23, 2013, Plaintiffs filed the instant complaint in San Mateo Superior Court. Defendant Vigo Industries, LLC removed the case to this Court on May 2, 2014. Dkt. No. 1. According to Vigo’s Notice of Removal, Defendant SURPLUSDÉCOR.COM is no longer a functioning entity and it has not been served with the summons and complaint in this matter. To date, Plaintiffs have not filed proof of service of the summons and complaint upon SURPLUSDÉCOR.COM. “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).

Accordingly, pursuant to Rule 4(m), Plaintiffs are hereby ORDERED TO SHOW CAUSE, in writing and no later than August 7, 2014, why the claims against the above identified Defendant should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is hereby provided to Plaintiffs that the Court may dismiss said Defendant(s) if no responsive declaration is filed. Thus, it is imperative that Plaintiffs file a written response by the deadline above.

IT IS SO ORDERED.

Dated: July 24, 2014



MARIA-ELENA JAMES
United States Magistrate Judge