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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION
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8 OPERATING ENGINEERS HEALTH
9 AND WELFARE TRUST FUND, et al.,

10 Plaintiffs,

11 v.

12 CEDAR CREEK CORPORATION DBA
13 NOR CAL MOBILE ROCK CRUSHING,
14 et al.,

15 Defendants.

Case No. [24-cv-00547-PHK](#)

**ORDER TO SHOW CAUSE RE:
SERVICE OF DEFENDANTS NO
LATER THAN JUNE 7, 2024**

Show Cause Hearing SET for June 13, 2024
at 10:30 a.m. in Courtroom F, 15th Floor,
San Francisco Courthouse

16 Now before the Court is the issue of whether or not Plaintiffs have properly effected
17 service of process on the named Defendants. Here, Plaintiffs commenced this lawsuit on January
18 29, 2024, naming Cedar Creek Corporation d/b/a Nor Cal Mobile Rock Crushing and Katie Grove
19 as Defendants. [Dkt. 1].

20 Federal Rule of Civil Procedure 4(m) sets forth the following requirements for service:

21 If a defendant is not served within 90 days after the complaint is filed, the court—
22 on motion or on its own after notice to the plaintiff—must dismiss the action
23 without prejudice against that defendant or order that service be made within a
24 specified time. But if the plaintiff shows good cause for the failure, the court must
extend the time for service for an appropriate period.

25 More than ninety days have passed since Plaintiffs' Complaint was filed, and the docket
26 does not reflect that service has been perfected as to either Defendant. Nor have Plaintiffs
27 requested any extension of time to effectuate service on any Defendants. Plaintiffs' failure to
28 effectuate proper service on Defendants within the time limit prescribed by Rule 4(m) is grounds

1 for dismissal of this case without prejudice, in the absence of justification for the failure.

2 Accordingly, the Court **HEREBY ORDERS** Plaintiffs to show cause why this case should
3 not be dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 4(m), for failure
4 to effectuate proper service. Plaintiffs **SHALL** file a Statement explaining whether and how
5 Plaintiffs complied with Federal Rule of Civil Procedure 4(m), and why this action should not be
6 dismissed without prejudice, by no later than **June 7, 2024**.

7 The Court further **ORDERS** Plaintiffs and their lead trial counsel to appear **IN PERSON**
8 at a hearing regarding this Order to Show Cause on **June 13, 2024 at 10:30 a.m.** at the San
9 Francisco courthouse, 15th Floor, Courtroom F.

10 If Plaintiffs fail to file the required Statement by June 7, 2024 showing good cause, or if
11 Plaintiffs and their lead trial counsel fail to appear in person at the June 13, 2024 Show Cause
12 Hearing, the Court will recommend, without further notice, the dismissal of this action without
13 prejudice.

14
15 **IT IS SO ORDERED.**

16 Dated: May 10, 2024



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18 PETER H. KANG
United States Magistrate Judge