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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 LISA AND RICHARD LEE, MARIA
6 MANZANO, ARTHUR NAMES,
7 ABRAHAM PESSAR, VINCENT AND
8 JENNYFER VALDEPENA,

9 Plaintiffs,

10 vs.

11 JP MORGAN CHASE, N.A., a National
12 Association; CHASE HOME FINANCE LLC,
13 a Delaware Limited Liability Company; and
14 DOES 1-10, inclusive,

15 Defendants.

Case No: C 10-3735 SBA

ORDER

16 Plaintiffs filed the instant action on August 23, 2010 against Defendants JP Morgan
17 Chase N.A. and Chase Home Finance LLC. On February 1, 2011, after the case was
18 reassigned to this Court, the Court scheduled a Case Management Conference for March 2,
19 2011. Dkt. 14. The Court's scheduling order directed Plaintiffs to file a joint case
20 management conference statement at least ten days prior to the conference. Id. Plaintiffs
21 failed to file a case management statement as previously directed. In addition, there is no
22 indication in the record confirming that any of the defendants have been served with the
23 summons and complaint.

24 Federal Rule of Civil Procedure 4(m) requires that service of process be effectuated
25 on a defendant within 120 days after the filing of the complaint. This rule states:

26 If service of the summons and complaint is not made on a
27 defendant within 120 days after the filing of the complaint, the
28 court, upon motion or on its own initiative after notice to the
plaintiff, shall dismiss the action without prejudice as to that
defendant or direct that service be effected within a specified
time; provided that if plaintiff shows good cause for the failure,
the court shall extend the time for service for an appropriate
period.

1 (Emphasis added). Although more than 120 days have passed since the Complaint, it
2 appears that Plaintiff has yet to serve any of the defendants. Accordingly,

3 IT IS HEREBY ORDERED THAT:

4 1. Plaintiffs shall effect service on all defendants named in this action within
5 forty-five (45) days of the date this Order is filed. Upon effectuating service, Plaintiffs
6 shall file a certificate of service with the Court forthwith. Failure to serve defendants
7 within the specified time-frame will result in the dismissal of the action, without prejudice,
8 in accordance with Rule 4(m).

9 2. The telephonic Case Management Conference currently scheduled for March
10 2, 2011 is CONTINUED to **May 25, 2011 at 3:15 p.m.** Prior to the date scheduled for the
11 conference, the parties shall meet and confer and prepare a joint Case Management
12 Conference Statement. The joint statement shall be filed no later than ten (10) days prior to
13 the conference and shall comply with the Standing Order for All Judges of the Northern
14 District of California and the Standing Order of this Court. Plaintiffs shall be responsible
15 for filing the statement as well as for arranging the conference call. All parties shall be on
16 the line and shall call (510) 637-3559 at the above indicated date and time. Plaintiffs are
17 warned that the failure to comply with this or any other court order or applicable procedural
18 rule may result in the imposition of sanctions, up to and including dismissal of the action
19 under Federal Rule of Civil Procedure 41(b).

20 3. Plaintiffs shall serve a copy of this Order on Defendants along with the
21 summons and complaint.

22 IT IS SO ORDERED.

23 Dated: March 2, 2011

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25 SAUNDRA BROWN ARMSTRONG
26 United States District Judge
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