

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**ALLY BANK, FIDELITY NATIONAL TITLE
INSURANCE COMPANY, ET AL.,**

Plaintiffs,

vs.

**JAMES C. CASTLE AKA J. CHRISTOPHER
CASTLE, ET AL.,**

Defendants.

Case No.: 11-CV-896 YGR

ORDER CONTINUING COMPLIANCE HEARING

The compliance hearing set for December 21, 2012, is **CONTINUED** to **January 25, 2013**, at 9:01 a.m.

At the Case Management conference held October 22, 2012, the Court ordered Plaintiffs' counsel to "submit [a] statement by 11/9/12 regarding service of the 5 unserved defendants" and set a compliance hearing on November 16, 2012. (*See* Minutes, Dkt No. 281.) That compliance hearing has since been continued twice, most recently to December 21, 2012, to permit Plaintiffs to complete service on these defendants.

In their latest status report, Plaintiffs represent that they have served all but two of the currently named defendants, "Bug Realty"¹ and George Larsen. They also indicate that they intend to seek an order permitting service by publication as to George Larsen.

Plaintiffs have until **January 11, 2013**, to file proof service, a motion for service by publication, or voluntary dismissal of the unserved defendants. Any motion for service by

¹ The Court notes that "Bug Realty" does not appear to be a named defendant, and Plaintiffs filed a proof of service on named Defendant Bug Real Estate, Inc. on November 4, 2011. (Dkt. No. 88-5). These discrepancies are not explained in Plaintiffs' reports to date.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

publication must provide specific details of service attempts and efforts to locate an address for service. The Court notes that both unserved defendants appear to have close relationships with other defendants herein who have previously appeared in this litigation. Reasonable diligence would require exhausting those avenues for locating and serving the unserved defendants.


Plaintiffs shall also **file a status report no later than January 11, 2013**, regarding the status of service of these two remaining unserved defendants.

If the Court is satisfied with Plaintiffs' status report and compliance efforts, it will notify Plaintiffs' counsel that the hearing is vacated. Otherwise, appearance will be required.

Failure to comply with this order may result in sanctions.

IT IS SO ORDERED.

Dated: December 20, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE