

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

ANDRE HURST, an individual doing  
business as THE PEGASUS GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as receiver for  
UNITED COMMERCIAL BANK, INC.,

Defendant.

No. C 11-3424 CW

ORDER VACATING  
OCTOBER 25, 2011  
CASE MANAGEMENT  
CONFERENCE AND  
REQUIRING PROOF OF  
SERVICE OF THE  
SUMMONS AND  
COMPLAINT

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Following the reassignment of this action to the undersigned,  
a case management conference was scheduled for October 25, 2011.  
Docket No. 8. However, the Court notes that Plaintiff has not yet  
served a summons and complaint on Defendant. Nor have the parties  
submitted the required joint case management statement.

Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff  
is required to serve Defendant with a summons and the complaint by  
November 10, 2012 or face dismissal of the action for failure to  
prosecute. Fed. R. Civ. P. 4(m) ("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."). The October 25, 2011  
case management conference is rescheduled for December 13, 2011.

1 If Plaintiff does not file a timely proof of service on Defendant,  
2 the case will be dismissed for failure to prosecute and the case  
3 management conference will be vacated.

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5 IT IS SO ORDERED.

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7 Dated: 10/21/2011

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9 CLAUDIA WILKEN  
10 United States District Judge  
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