

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

5 IMMERSA MARKETING, INC.,
6 SUCCESSOR IN INTEREST TO THE
7 CHASE GROUP LLC D/B/A IMMERSA
8 MARKETING,

9 Plaintiff,

10 vs.

11 HUCOM COMMUNICATIONS, LTD., et
12 al.,

13 Defendants.

Case No: C 13-1859 SBA

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
AND SETTING DEADLINE FOR
SERVICE OF PROCESS**

14 Plaintiff filed the instant action in this Court on April 23, 2013, against various
15 Defendants, all of which apparently are foreign sovereigns, individuals and entities. In its
16 Case Management Statement filed on December 4, 2013, Plaintiff states that it has not yet
17 served any of the Defendants, and requests that the Court impose a deadline in December
18 2013 to complete service. Dkt. 13 at 2. In addition, Plaintiff requests that the Court
19 continue the Case Management Conference currently scheduled for December 11, 2013, for
20 a period of 30 to 60 days to allow for settlement discussions. Id. at 4.

21 Federal Rule of Civil Procedure 4(m), which governs the time limit for service,
22 provides: “If a defendant is not served within 120 days after the complaint is filed, the
23 court—on motion or on its own after notice to the plaintiff—must dismiss the action
24 without prejudice against that defendant or order that service be made within a specified
25 time.” Fed. R. Civ. P. 4(m). This time limit, however, does not apply to service in a foreign
26 country. See Fed. R. Civ. P. 4(m) (“This subdivision (m) does not apply to service in a
27 foreign country under Rule 4(f) or 4(j)(1).”); see also Lucas v. Natoli, 936 F.2d 432, 432
28 (9th Cir. 1991) (“[T]he plain language of [Rule 4(m)] makes the 120-day service provision
inapplicable to service in a foreign country”). “[A]lthough the 120-day service period

1 set forth Rule 4(m) does not apply to service of process on an individual or corporation in a
2 foreign country, the court is not precluded from setting a reasonable time limit for service
3 in a foreign country so that it can properly manage a civil case.” Karimi v. Poker Media
4 Systems SAS, No. No. 2:13-cv-01250-JCM-NJK, 2013 WL 4048578, *2 (D. Nev. Aug. 8,
5 2013) (footnote omitted). Thus, pursuant to Plaintiff’s request, the Court orders to Plaintiff
6 to serve Defendants and file corresponding proofs of service by no later than December 31,
7 2013. Accordingly,

8 IT IS HEREBY ORDERED THAT:

9 1. The Case Management Conference scheduled for December 11, 2013, is
10 CONTINUED to January 29, 2014 at 3:00 p.m. At least seven (7) calendar days prior to
11 the Case Management Conference, the parties shall meet and confer and file a Joint Case
12 Management Conference Statement that complies with the Standing Order for All Judges of
13 the Northern District of California and the Standing Orders of this Court. See
14 <http://www.cand.uscourts.gov/sbaorders>.

15 2. Plaintiff’s counsel shall be responsible for filing the Joint Case Management
16 Statement and setting up the conference call. At the date and time indicated above,
17 Plaintiff’s counsel shall call (510) 637-3559 with all parties on the line. NO PARTY
18 SHALL OTHERWISE CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR
19 AUTHORIZATION OF THE COURT.

20 3. Plaintiff shall serve Defendants and file corresponding proofs of service by
21 no later than December 31, 2013. The failure to comply with this Order may result in the
22 dismissal of the action. Plaintiff shall serve a copy of this Order on Defendants.

23 IT IS SO ORDERED.

24 Dated: December 5, 2013


25 SAUNDRA BROWN ARMSTRONG
26 United States District Judge
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