

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 **JOSEPH ERCOLI,**
4 Plaintiff,

5 v.

6 **TOP SHELF CLASSICS, ET AL.,**
7 Defendants.

Case No. 15-cv-06333-YGR

**ORDER SETTING COMPLIANCE HEARING
AND CONTINUING CASE MANAGEMENT
CONFERENCE**

8
9 A compliance hearing regarding plaintiff's failure to serve defendant Top Shelf Classics¹
10 shall be held on **Friday, May 13, 2016** on the Court's 9:01 a.m. calendar, in the Federal
11 Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1. As required by the Federal
12 Rules of Civil Procedure, plaintiffs must serve all defendants within ninety (90) days after filing a
13 complaint, at which point the Court must either dismiss the action or order that service be made
14 within a specified time. Fed. R. Civ. P. 4(m).

15 Accordingly, five (5) business days prior to the date of the compliance hearing, the
16 plaintiff shall file either: (1) certifications noting that service upon defendants has been
17 effectuated; or (2) a one-page statement setting forth an explanation for his failure to comply. If
18 compliance is complete, the compliance hearing will be taken off calendar. Failure to comply may
19 result in sanctions.

20 The Court **CONTINUES** the Case Management Conference set for April 11, 2016 to **June**
21 **20, 2016.**

22 **IT IS SO ORDERED.**

23 Dated: April 7, 2016

24 
25 **YVONNE GONZALEZ ROGERS**
26 **UNITED STATES DISTRICT COURT JUDGE**

27 ¹ In plaintiff's Case Management Statement, plaintiff *suggests*, but does not explicitly note,
28 that service upon defendants Kimpton Hotel & Restaurant and Intercontinental Hotel Groups have
been effectuated. (Dkt. No. 16, ¶1.)