

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 DIANA JUAN,
5 Plaintiff,
6 v.
7 UNIVERSITY OF CALIFORNIA SAN
8 FRANCISCO, et al.,
9 Defendants.

Case No. 16-cv-04934-CW

ORDER TO SHOW CAUSE REGARDING
SERVICE AND ORDER CONTINUING
CASE MANAGEMENT CONFERENCE

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11 The United States of America ex rel Diana Juan filed the
12 Complaint in this action under the False Claims Act on August 26,
13 2016. Plaintiff-Relator filed a First Amended Complaint on
14 September 20, 2016. Both were initially filed under seal. On
15 June 26, 3017, the United States having declined to intervene in
16 this action, the Court unsealed the Complaint and First Amended
17 Complaint and ordered Plaintiff-Relator to serve Defendants.

18 On August 17, 2017, Plaintiff-Relator filed a notice of
19 voluntary dismissal without prejudice of Defendant Regents of the
20 University of California.¹ On August 18, 2017, at Plaintiff-
21 Relator's request, the Court issued a summons to Defendants Jane
22 Czech, Jennifer Dearman, John Engstrom, Stephen Hauser, Sam
23 Hawgood, Scott Andy Josephson, Eileen Kahaner, and David Morgan.
24 On October 3, 2017, these individual defendants filed a motion to
25 dismiss, which they noticed for hearing on November 7, 2017.

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27 ¹ The notice was served electronically on counsel for the
28 United States. The United States has not objected to the
dismissal without prejudice of the Regents of the University of
California.

1 Plaintiff-Relator named University of California San
2 Francisco (UCSF) as a Defendant, but has not sought issuance of a
3 summons to UCSF. See Fed. R. Civ. P. 4(b). Plaintiff-Relator
4 has not dismissed UCSF voluntarily and UCSF has not appeared in
5 this action. More than ninety days have passed since the Court's
6 order unsealing the Complaint and the First Amended Complaint.

7 Accordingly, the Court HEREBY ORDERS Plaintiff-Relator, no
8 later than October 11, 2017, to show cause why the claims against
9 UCSF should not be dismissed without prejudice pursuant to
10 Federal Rule of Civil Procedure 4(m). Any party or the United
11 States may file a response to Plaintiff-Relator's filing no later
12 than October 17, 2017. By the same date, the United States also
13 may file any objection to the dismissal without prejudice of the
14 Regents of the University of California.

15 Additionally, the Court will hear all motions to dismiss
16 this action on a single date, following a coordinated briefing
17 schedule. If UCSF is served, or waives service, and intends to
18 file a motion to dismiss, Plaintiff-Relator shall meet and confer
19 with all parties and shall promptly propose a coordinated
20 schedule for the briefing and hearing of all motions to dismiss
21 and the case management conference.

22 The Court HEREBY CONTINUES the case management conference to
23 November 7, 2017, at 2:30 p.m. The joint case management
24 statement is now due October 31, 2017.

25 IT IS SO ORDERED.

26
27 Dated: October 5, 2017



CLAUDIA WILKEN
United States District Judge