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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ex rel.,  
STEVEN FALLON, et al.,

Plaintiffs-Relators,

v.

BELL TRANSIT CORP., et al.,

Defendants.

Case No. 16-cv-06994-PJH

**ORDER DENYING ADMINISTRATIVE  
MOTION FOR EXTENSION OF TIME  
TO FILE COMPLAINT AND  
DISMISSING UNSERVED  
DEFENDANTS**

Re: Dkt. 110

On March 15, 2021, the court entered an order dismissing plaintiff-relator Fallon's second amended complaint, with partial leave to amend. See Dkt. 109. The court gave Fallon 21 days to file an amended complaint in accordance with the court's order.

In the March 15 order, the court also noted that two defendants (MCET Affordable Transportation and Functional Floors) appeared not to have been served. Accordingly, the court entered an order to show cause as to why MCET and Functional Floors should not be dismissed for failure to serve under Federal Rule of Civil Procedure 4(m). Dkt. 110 at 19. The court gave Fallon seven days, or until March 22, 2021, to file a written response to the OSC or a dismissal of those two defendants.

Fallon did not respond, in any way, to the order to show cause. Thus, MCET and Functional Floors are DISMISSED from this action for failure to serve.

On March 29, 2021, Fallon filed an administrative motion for an extension of time to file the third amended complaint. See Dkt. 110. Fallon argues that he "has engaged in multiple conversations and contacts with counsel for both defendants" regarding

United States District Court  
Northern District of California

1 settlement, and has “sought information which he believes is necessary to frame a  
2 reasonable, good faith settlement demand on Bell Transit.” Id. at 2. However, Fallon  
3 argues that “Bell Transit offered only a single redacted document,” and thus, Fallon is  
4 now seeking the same information via a Public Records Act request from a “large public  
5 agency.” Id. Fallon states that he requests “an additional 15 days” to file the third  
6 amended complaint; but his proposed order actually seeks an extension of 24 days (or 18  
7 business days), from April 5 to April 29. See id. at 2, 3.

8 Simply put, Fallon’s motion is too vague to provide support for his argument that  
9 an extension is warranted. Fallon does not provide any specific facts about his claimed  
10 Public Records Act request – he does not state what information he is seeking, or from  
11 which agency he is seeking it, and he provides no details about when the request was  
12 filed or when a response is anticipated. For those reasons, Fallon’s administrative  
13 motion (Dkt. 110) is DENIED. Fallon must file an amended complaint, in accordance with  
14 the court’s previous order, by tomorrow, April 6, 2021. However, Fallon is not precluded  
15 from seeking further leave to amend the complaint under Rule 15(a)(2) if his Public  
16 Records Act request does ultimately yield new information that supports his allegations  
17 against Bell Transit.

18 **IT IS SO ORDERED.**

19 Dated: April 5, 2021

20   /s/ Phyllis J. Hamilton  
21 PHYLLIS J. HAMILTON  
22 United States District Judge  
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