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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STERLYNG EDWARD FUNG, et al.,
Plaintiffs,
v.
BSI FINANCIAL SERVICES, et al.,
Defendants.

Case No. [16-cv-07194-JSW](#)

**ORDER TO PLAINTIFFS TO SHOW
CAUSE RE DISMISSAL AND ORDER
VACATING CASE MANAGEMENT
CONFERENCE AND HOLDING
PENDING MOTIONS IN ABEYANCE
PENDING SERVICE**

United States District Court
Northern District of California

On February 6, 2017, the Court ordered Plaintiffs, by February 13, 2017, to file a brief statement regarding the status of service on Defendant Mortgage Electronic Registration Systems, Inc. (“MERS”). Plaintiffs did not comply with that order. In the joint case management statement filed March 10, 2017, however, Plaintiffs stated: “Defendant Mortgage Electronic Registration Systems, Inc. has not yet been served. Service will be made forthwith.” (Dkt. No. 23 at 2.)

The Court hereby ORDERS Plaintiffs, no later than March 27, 2017, to SHOW CAUSE why the Court should not dismiss this action against Defendant MERS without prejudice for failure to timely serve Defendant MERS. *See* Fed. R. Civ. P. 4(m). In their response to this order to show cause, Plaintiffs must either show that Defendant MERS has been served, or show good cause for the failure to timely serve Defendant MERS and show good cause why the Court should extend the time for service for a specific, appropriate period of time. If Plaintiffs fail to file a timely response to this order, the Court shall dismiss Defendant MERS without prejudice, without further notice.

The Court declines to hold a case management conference to impose a schedule on a defendant who has not yet been served. Accordingly, the Court hereby VACATES the March 17, 2017 case management conference, which shall be re-scheduled following disposition of the order

1 to show cause.

2 The Court also HOLDS IN ABEYANCE the pending motion to dismiss filed by
3 Defendants Servis One, Inc. dba BSI Financial Services, sued as BSI Financial Services, and
4 Defendant DRRF Trust 2015-1, U.S. Bank National Association, as Trustee, pending the response
5 to the Complaint of Defendant MERS, or the dismissal of Defendant MERS due to Plaintiffs'
6 failure of service, so that the Court may consider at one time all motions to dismiss that may be
7 filed.

8 **IT IS SO ORDERED.**

9 Dated: March 13, 2017

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JEFFREY S. WHITE
United States District Judge