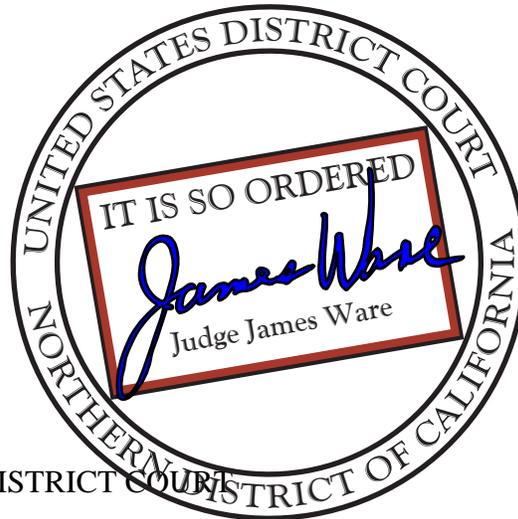


1 ADAM WANG, Bar No. 201233
 2 LAW OFFICES OF ADAM WANG
 12 S First Street, Suite 708
 3 San Jose, CA 95113
 Tel: 408-292-1040
 4 Fax: 408-416-0268
adamqwang@gmail.com



5 Attorney for Plaintiff

6
 7 UNITED STATES DISTRICT COURT
 8 FOR THE
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 JUAN GONZALEZ and RICARDO
 MENDOZA, individually and on behalf of
 12 others similarly situated

Case No: C 08-3814 JW

**ORDER VACATING ORDER TO SHOW
 CAUSE HEARING**

13 Plaintiffs,

14 vs.

15 DDR PARTNERS, INC. dba PACIFIC
 ATHLETIC CLUB, WESTERN ATHLETIC
 16 CLUBS, INC. dba PACIFIC ATHLETIC
 CLUB AND DOES 1-10

18 Defendants

19
 20 Plaintiffs respond to Court's Order to Show Cause why the Complaint should not be
 21 dismissed as to Western Athletic Clubs Inc. for failure to provide service pursuant to FED. R.
 Civ. P. 4(m), dated April 23, 2009 as follows:

22 On August 11, 2008, Plaintiffs filed this action. naming only Defendant DDR Partners
 23 Inc. (Docket No. 1).
 24
 25

PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE
 Gonzalez, et al. v. DR Partners Inc. .

C08-3816 JW

1 On April 6, 2009, Plaintiffs filed their First Amended Complaint (“FAC”) pursuant to the
2 Court’s order dated March 25, 2009. Only in the FAC was Western Athletic Clubs Inc. named
3 as a Defendant (Docket No. 32).

4 On April 17, 2009, an Amended Summons against all Defendants including Western
5 Athletic Club Inc. was issued (Docket No. 38).

6 On April 24, 2009, the service on Western Athletic Clubs Inc. was effectuated (Docket
7 No. 39).

8 Because Western Athletic Clubs Inc. was not named as a Defendant in this case until
9 April 6, 2009, and the Summons against it was not issued until April 17, 2009, the service on
10 Western Athletic Clubs Inc. on April 24, 2009 is well within the time period provided by FED. R.
11 CIV. POR. 4(m).

12
13 Dated: April 29, 2008

By: /s/ Adam Wang
Adam Wang
Attorney for Plaintiff

14
15
16 ***** ORDER *****

17 The Court finds Plaintiffs' Response to Order to Show Cause sufficient and thus
18 VACATES the hearing on Order to Show Cause Re: Dismissal presently scheduled for
19 May 18, 2009.

20 Dated: May 13, 2009



JAMES WARE
United States District Judge