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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NEW SENSATIONS, INC.,)
)
Plaintiff,)
v.)
)
DOES 1-1768,)
)
Defendants.)
_____)

Case No.: C-10-05864 PSG

ORDER TO SHOW CAUSE

On December 23, 2010, Plaintiff New Sensations, Inc. (“New Sensations”) filed its complaint alleging claims for copyright infringement. To date, none of the above Doe defendants have been served.

On March 29, 2011, New Sensations applied *ex parte* for leave to take limited discovery of various Internet Service Providers (“ISP”) to identify Doe defendants to effect service. The application contemplates that each ISP will have 30 days from the date of service of the subpoena to provide the requested subscriber information.

Before addressing the *ex parte* application, the court must first address New Sensation’s failure to serve the defendants in a timely manner. Rule 4(m) states that “[i]f a defendant is not served within 120 days after the complaint is filed, the court on motion or on its own after notice

1 to the plaintiff must dismiss the action without prejudice against that defendant or order that
2 service be made within a specified time.”¹ If plaintiff shows good cause, the court must extend
3 the time for service for an appropriate period.²

4 Accordingly, the court hereby orders New Sensations to show cause why its complaint
5 should not be dismissed for failure to comply with Rule 4(m). New Sensations shall file its
6 response in writing no later than April 15, 2011.

7 IT IS SO ORDERED.

8 Dated: April 7, 2011



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PAUL S. GREWAL
11 United States Magistrate Judge
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¹ Fed. R. Civ. P. 4(m).

28 ² *See id.*