

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BILL GAVLICK,)	Case No.: 11-cv-05713-LHK
)	
Plaintiff,)	
)	ORDER TO SHOW CAUSE
v.)	
)	
NMTC, INC. d/b/a MATCO TOOLS and)	
DANAHER CORPORATION,)	
)	
Defendant.)	

On November 29, 2011, Plaintiff Bill Gavlick (“Plaintiff”) filed a Complaint against Defendants Matco, Danaher Corporation and Jacobs Manufacturing Co. *See* ECF No. 1. Before serving any defendants, Plaintiff filed a First Amended Complaint on January 27, 2012, naming NMTC, Inc., doing business as Matco Tools and Danaher Corporation (“Defendant”), as sole Defendant. *See* ECF No. 3. This case was reassigned to the undersigned judge on February 28, 2012. *See* ECF No. 5.

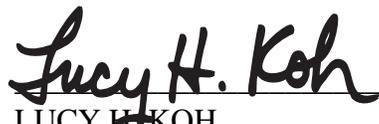
Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 120 day after it files the complaint. A court must dismiss a case without prejudice if a plaintiff has not complied with Rule 4(m), unless the plaintiff shows good cause for its failure to serve defendant. Fed. R. Civ. P. 4(m). Under Rule 4(m), Plaintiff was required to file proof of service by May 27, 2012. To date, no proof of service has been filed. Accordingly, Plaintiff is hereby ORDERED to show cause by June 15, 2012, why the action should not be dismissed for failure to serve

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Defendant within 120 days. The Court will hold a hearing on Plaintiff's response on June 28, 2012, at 1:30 p.m. Plaintiff's failure to file a response by June 15, 2012 and failure to appear at the June 28, 2012 hearing will result in dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: June 1, 2012



LUCY H. KOH
United States District Judge