

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

J&J SPORTS PRODUCTIONS, INC.)	Case No.: 5:12-CV-02242-LHK
)	
Plaintiff,)	
v.)	ORDER TO SHOW CAUSE WHY CASE
)	SHOULD NOT BE DISMISSED FOR
KIM T. VU,)	FAILURE TO SERVE
)	
Defendant.)	

The Court held a case management conference on September 12, 2012, at which only Plaintiff J&J Sports Productions, Inc. (“Plaintiff”) appeared. In Plaintiff’s case management conference statement, Plaintiff states that he “may or may not have promptly effectuated service of process of the initiating suit papers.” ECF No. 14 at 1 n.1. Plaintiff further states that “Plaintiff’s counsel believed it had identified an appropriate alternative address to use[] for service of process, however on August 21, 2012, Plaintiff’s counsel spoke with an individual (Kim Vu) who claimed he was served with suit papers but is the wrong person, and has nothing to do with the business Xinh Xinh Café.” *Id.*

Plaintiff filed the complaint in this action on May 4, 2012. ECF No. 1. Under Federal Rule of Civil Procedure 4(m), a plaintiff’s failure to serve the defendant within 120 days of filing the complaint is grounds for dismissal without prejudice absent a showing of good cause. *See* Fed. R. Civ. P. 4(m). Accordingly, the Court ORDERS Plaintiff to show cause why this action should not

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be dismissed for failure to timely serve Defendant. Plaintiff shall respond to this Order to Show Cause and file proof of service of the summons and complaint on Defendant by October 12, 2012. A hearing on this Order to Show Cause is set for October 31, 2012, at 2:00 p.m. Plaintiff's failure to serve Defendant and file a response by October 12, 2012, and failure to appear at the October 31, 2012 hearing, will result in dismissal of this action without prejudice for failure to comply with Rule 4(m).

IT IS SO ORDERED.

Dated: September 12, 2012



LUCY H. KOH
United States District Judge