

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

GRADY VERNON LONG, ISMAIL ISA, and WARREN JEREMIAH SPIES,	)	Case No.: 12-CV-03578-LHK
)	
Plaintiffs,	)	ORDER DIRECTING THAT
	)	PLAINTIFFS MUST FILE A MOTION
v.	)	FOR DEFAULT JUDGMENT IF THEY
	)	WISH TO REQUEST DEFAULT
NATIONWIDE LEGAL FILE & SERVE, INC.,	)	JUDGMENT AND DISMISSING
et al.,	)	DEFENDANTS NATIONWIDE LEGAL
	)	FILE & SERVE AND NATIONWIDE
Defendants.	)	LEGAL'S CROSS CLAIMS AGAINST
	)	CAESAR ERIC RAILEY

On December 6, 2012, the Clerk entered default against Defendant Caesar Eric Railey. ECF No. 21. Plaintiffs now request an order granting default judgment against Railey but have not filed any motion in support. ECF No. 83. Plaintiffs must file a motion for default judgment for the Court to consider Plaintiffs' request. Plaintiffs must file any such motion by October 14, 2013. The October 21, 2013 trial date remains set.

On September 27, 2013, the Court directed Defendants Nationwide Legal File & Serve and Nationwide Legal LLC to inform the Court regarding the status of their cross claims against Railey. ECF No. 82. Defendants filed a report indicating that they failed to serve their cross claims on Railey for one year and two months until after their cross-complaint was filed. ECF No. 84. Defendants' report does not show good cause for their ten month delay or diligence in

1 Defendants' efforts to serve Railey. The Court hereby DISMISSES the cross claims for failure to
2 serve Railey within the time period required under the Federal Rules of Civil Procedure. *See Fed.*
3 *R. Civ. P. 4(m)* ("If a defendant is not served within 120 days after the complaint is filed, the
4 court—on motion or on its own after notice to the plaintiff—must dismiss the action without
5 prejudice against that defendant or order that service be made within a specified time.")
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7 **IT IS SO ORDERED.**

8 Dated: October 11, 2013



LUCY H. KOH
United States District Judge

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