

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

JENNIFER BILODEAU, individually and on )  
behalf of all others similarly situated )  
  
Plaintiff, )  
  
v. )  
  
MCAFEE, INC., and CAPITAL INTELLECT, )  
INC., )  
  
Defendants. )

Case No.: 12-CV-04589-LHK  
  
ORDER GRANTING LEAVE TO  
ATTEMPT SERVICE OF PROCESS

Plaintiff filed her complaint in this action on August 31, 2012. ECF No. 1. Under Federal Rule of Civil Procedure 4(m), Plaintiff was required to file proof of service by December 29, 2012. To date, Plaintiff has not filed any proof of service of Defendant Capital Intellect, Inc. (“Capital Intellect”).

On May 14, 2013, the Court ordered Plaintiff to show cause why Capital Intellect should not be dismissed from this action, because of Plaintiff’s failure to comply with Rule 4(m). The Court set a deadline of May 31, 2013 to file a response to the Order to Show Cause.

On May 31, 2013, Plaintiff filed a response to the Order to Show Cause, stating that Plaintiff’s counsel had discovered that Plaintiff’s process server had never attempted service of process on Capital Intellect through Capital Intellect’s registered agents. ECF No. 36 at 2-3. Plaintiff requests that the Court grant Plaintiff leave to attempt service of process on Capital

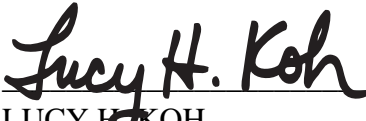
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Intellect via its registered agent. Id. at 3-4. Plaintiff represents that service can be effectuated on an expedited basis as quickly as within twenty-four hours of the request being made. Id. at 4 n. 5.

The Court hereby GRANTS Plaintiff's request to attempt service of process on Capital Intellect via Capital Intellect's registered agent on an expedited basis. Plaintiff shall file proof of service no later than June 6, 2013.

**IT IS SO ORDERED.**

Dated: May 31, 2013

  
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LUCY H. KOH  
United States District Judge