

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT BANAYAT,
Plaintiff,
v.
CAPITAL ONE FINANCIAL
CORPORATION, et al.,
Defendants.

Case No. 15-CV-02491-LHK

**ORDER DIRECTING PLAINTIFF TO
SERVE DEFENDANT CAPITAL ONE
BANK (USA), N.A. WITH THE CASE
MANAGEMENT ORDER AND TO FILE
A STIPULATION SELECTING AN ADR
PROCESS**

Plaintiff Robert Banayat (“Plaintiff”) has failed to file a certificate of service demonstrating Plaintiff served the September 23, 2015 Case Management Order (“CMO”) on Defendant Capital One Bank (USA), N.A. (“Capital One”), as required by the CMO. See ECF No. 56. Additionally, Plaintiff and Capital One have failed to file a stipulation selecting an ADR process by September 29, 2015, also required by the CMO. See *id.* Plaintiff is hereby ORDERED to serve the CMO on Capital One and file a certificate of service by October 2, 2015. The parties are hereby ORDERED to file a stipulation selecting an ADR process by October 6, 2015. Failure to comply with these deadlines may result in a dismissal of this defendant with prejudice for failure to prosecute.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: September 30, 2015



LUCY H. KOH
United States District Judge