

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SENAH, INC.,
Plaintiff,
v.
AVIC FORSTAR S&T CO., LTD., fdba
FORSTAR S&T CO, LTD.,
Defendant.

Case No. 16-cv-07053 NC

**ORDER TO SHOW CAUSE RE:
SERVICE OF COMPLAINT AND
RE: SUBJECT MATTER
JURISDICTION OF PROPOSED
AMENDED COMPLAINT;
CONTINUING CMC TO JUNE 20,
2018**

Re: ECF 1, 33

Plaintiff Senah, Inc. filed this case on December 9, 2016. ECF 1. As far as the Court knows, defendant AVIC FORSTAR S&T CO., LTD. has never been served with the original complaint. Plaintiff’s most recent May 28, 2018 case management statement states that defendant “has not yet been served” (ECF 30 at p. 3:12-13) yet provides no update on the status of service under the Hague convention. The Court previously asked plaintiff to show cause why the case should not be dismissed under Fed. R. Civ. P. 4(m) for failure to serve the defendant. ECF 22. Plaintiff must file an updated case management statement by June 13, 2018, detailing the status of service of the complaint.

Next, plaintiff moves for leave to file an amended complaint. ECF 33. The Court is not certain that leave is required under Fed. R. Civ. P. 15(a)(1), but plaintiff asks for leave under Rule 15(a)(2). Under either approach, federal subject matter jurisdiction must be satisfied. Plaintiff asserts that subject matter jurisdiction is fulfilled by diversity of Case No. 16-cv-07053 NC

1 citizenship; there are no federal claims asserted. ECF 33-4. From the face of the First
2 Amended Complaint, however, it appears that the parties lack complete diversity. Plaintiff
3 Senah is alleged to have its principal place of business in California. ECF 33-4 at p. 1.
4 Defendant AVIC International USA, Inc. is also alleged to have its principal place of
5 business in California. ECF 33-3 at p. 10. There is incomplete information provided about
6 the citizenship of the other defendants, including Align Aerospace, LLC. Consequently,
7 plaintiff must show cause in writing by June 13 as to how this Court may maintain subject
8 matter jurisdiction over the proposed First Amended Complaint.

9 Finally, the Court continues the June 6 case management conference to June 20 at
10 10:00 a.m. Counsel may participate by phone by providing a contact number to my
11 courtroom deputy.

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13 **IT IS SO ORDERED.**

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15 Dated: June 2, 2018

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18 NATHANAEL M. COUSINS
19 United States Magistrate Judge
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