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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ALICE COTTI, et al.,
Plaintiffs,

v.

CITY OF SAN JOSE, et al.,
Defendants.

Case No. 18-cv-02980-BLF

**ORDER DISMISSING CERTAIN
DEFENDANTS; AND CLARIFYING
WHICH DEFENDANTS REMAIN IN
THIS ACTION**

On September 4, 2019, the Court issued an order (“September 4 Order”) which:

- (1) Clarified that the following Defendants have been dismissed from the case:
Rebekah Children’s Services, City of San Jose, San Jose Police Department, Judge Patrick E. Tondreau, Amy Choi, Nikolas Arnold, County of Santa Clara, Officer Gaona, Officer Avila, Sergeant Vu Tran, Family Legal Advocates, Dependency Advocacy Center, Wesley Schroeder, John Faulconer, and Legal Advocates for Youth and Children;
- (2) Denied Plaintiffs’ motion to set aside dismissal of the above Defendants and motion for leave to file an amended pleading adding some of them back into the case; and
- (3) Ordered Plaintiffs to show cause, in writing and on or before September 18, 2019, why the Court should not dismiss the following Defendants for failure to effect service of process: Francesca LeRue, Pa Chang, Phu Nguyen, Jeff Johnson, Sarah Gerhart, Department of Social Services, Santa Clara County Department of Family and Child Services, Social Security Agency of Santa Clara County, and Amy Guy.

See September 4 Order, ECF 136.

1 The Court granted two extensions of the Order to Show Cause response deadline requested
2 by Plaintiffs' counsel, an initial extension to September 23, 2019 and then a second extension to
3 October 7, 2019. *See Ex Parte Applics.*, ECF 148, 150; Orders, ECF 149, 151. The requested
4 deadline of October 7, 2019 elapsed more than a month ago, and Plaintiffs have neither responded
5 to the Order to Show Cause nor requested more time for response.

6 Plaintiffs have filed proofs of service of process with respect to Defendants Francesca
7 LeRue, Pa Chang, Phu Nguyen, and Jeff Johnson.¹ As to these four Defendants, the Court
8 DISCHARGES the Order to Show Cause. The Court makes no determination whether the proofs
9 of service are adequate with respect to these four Defendants.

10 Plaintiffs have not filed proofs of service of process with respect to Defendants Sarah
11 Gerhart, Department of Social Services, Santa Clara County Department of Family and Child
12 Services, Social Security Agency of Santa Clara County, or Amy Guy. Accordingly, these
13 Defendants are DISMISSED WITHOUT PREJUDICE for failure to effect service of process as
14 required under Federal Rule of Civil Procedure 4(m).

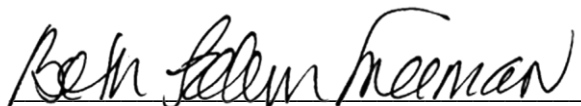
15 In light of the foregoing, the court CLARIFIES that Defendants Francesca LeRue, Pa
16 Chang, Phu Nguyen, and Jeff Johnson are the ONLY Defendants remaining in this action. The
17 Clerk SHALL amend the docket to reflect that all other Defendants have been terminated.

18 **IT IS SO ORDERED.**

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20 Dated: November 12, 2019

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BETH LABSON FREEMAN
United States District Judge

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28 ¹ Plaintiffs also filed a proof of service of process on an individual named Barry Grigsby, who is not named in the operative third amended complaint.