




1 Decl., ¶ 2. Higgens attests that “[i]t is my belief that the foregoing rises above the level of  
2 excusable neglect and constitutes good cause.” *Id.*, ¶ 3. In light of the Ex Parte Motion and  
3 Higgens’ supporting declaration, the Court concludes that Plaintiff has shown good cause for  
4 failure to timely serve the Defendants within the 120 day period.

5 IT IS HEREBY ORDERED that the Ex Parte Motion for Leave to Serve Process  
6 Outside the 120 Day Period (Doc. # 5) is **GRANTED**. Plaintiff shall file proof that service  
7 of the summons and complaint was effectuated on or before **Monday, March 23, 2009**.

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9 DATED: February 18, 2009

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11 **WILLIAM Q. HAYES**  
12 United States District Judge

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