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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	KARL PHILIP JOHNSON,	CASE NO. 08cv887 WQH (WMc)
12	Plaintiff, vs.	ORDER
13	CITY OF SAN DIEGO, et al.,	
14	Defendants.	
15	HAYES, Judge:	
16	On May 19, 2008, Plaintiff initiated this action by filing the Complaint (Doc. # 1). On	
17	January 5, 2009, this Court issued an order requiring Plaintiff to file either (1) proof that	
18	service of the summons and complaint was timely effectuated, or (2) a declaration showing	
19	good cause for failure to timely serve the Defendants with the summons and complaint	
20	accompanied by a motion for leave to serve process outside of the 120 day period (Doc. # 4).	
21	On January 30, 2009, Plaintiff filed the Ex Parte Motion for Leave to Service Process Outside	
22	the 120 Day Period ("Ex Parte Motion") (Doc. # 5). Plaintiff requests that "good cause be	
23	found" and that the Court "allow a brief period of time to effectuate service on the named	
24	defendants." Id. at 6. In support of the Ex Pa	arte Motion, Plaintiff submitted the declaration
25	of his attorney, Ronald J. Higgens. Higgens attests that "a number of situations occurred in	
26	2008 that seriously handicapped, and to a great extent debilitated me," including Higgens'	
27	elderly mother sustaining a broken hip, Higgens' youngest brother being diagnosed with	
28	cancer, and Higgens being engaged in "back-to-back serious felony criminal trials." Higgens	

1	Decl., \P 2. Higgens attests that "[i]t is my belief that the foregoing rises above the level of	
2	excusable neglect and constitutes good cause." <i>Id.</i> , \P 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	
10	William 2. Hayes WILLIAM Q. HAYES	
11	United States District Judge	
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