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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
9

10 DAVID FIROOZ,  
11 Plaintiff,

Case No.: 17-cv-0867-WQH-NLS

12 v.

**ORDER**

13 TAKATA CORPORATION; TK  
14 HOLDINGS INC.; TOYOTA  
15 MOTOR CORPORATION;  
16 TOYOTA MOTOR NORTH  
17 AMERICA, INC.; TOYOTA  
18 MOTOR SALES, U.S.A., INC.;  
19 TOYOTA MOTOR  
20 ENGINEERING &  
21 MANUFACTURING NORTH  
22 AMERICA, INC.; PREMIER  
23 AUTOMOTIVE OF CA, LLC; and  
24 ANDRES VALENZUELA,  
25 Defendants.

26 HAYES, Judge:

27 On August 23, 2018, Plaintiff stated in a status report "Based on the factual  
28 representation of the status report of August 10, 2018 (Document 41), Plaintiff will dismiss  
his claims against Defendants, TAKATA CORPORATION and TK HOLDINGS INC."  
(ECF No. 43 at 2). Plaintiff has not, however, filed a motion or separate notice of dismissal  
regarding these defendants pursuant to Federal Rule of Civil Procedure 41.

1 On October 12, 2018, Defendants Toyota Motor North America, Inc., Toyota Motor  
2 Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America, Inc.,  
3 Premier Automotive of CA, LLC (collectively "Toyota Defendants") filed a Motion to  
4 Dismiss. (ECF No. 44). On November 16, 2018, this Court granted the parties' Joint  
5 Motion to Dismiss the Toyota Defendants. (ECF No. 50). The Toyota Defendants' Motion  
6 to Dismiss (ECF No. 44) is denied as moot.

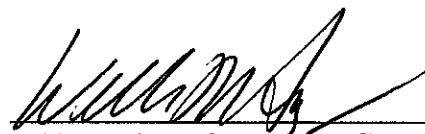
7 Plaintiff has named Andres Liera Valenzuela as a defendant in this matter, but  
8 Plaintiff has not filed proof of service of the Complaint as to Defendant Valenzuela.

9 IT IS HEREBY ORDERED that the Toyota Defendants' Motion to Dismiss (ECF  
10 No. 44) is DENIED as moot.

11 IT IS FURTHER ORDERED that within ten days of the date of this Order, Plaintiff  
12 shall (1) provide the Court with a status update regarding whether Plaintiff intends to  
13 dismiss Defendants Takata Corporation and TK Holdings Inc. pursuant to Federal Rule of  
14 Civil Procedure 41, and whether Plaintiff intends to prosecute this action against remaining  
15 Defendant Toyota Motor Corporation; and (2) Plaintiff shall SHOW CAUSE why all  
16 claims against Defendant Valenzuela should not be dismissed by this Court pursuant to  
17 Federal Rule of Civil Procedure 4(m) for failure to serve the Complaint within ninety days.

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19  
20 DATED:

12/15/18



WILLIAM Q. HAYES  
United States District Judge