IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

STEVEN M. DENENBERG,)
Plaintiff and Cross Plaintiff,	8:07CV150
vs.	ORDER
BORKO B. DJORDJEVIC,)
Defendant and Third-Party Plaintiff,)))
VS.)
JOHN OSAKA,))
Third-Party Defendant,))
and)
DOCTORS SURGERY CENTER, d/b/a Surgeontothestars.com))
Third-Party Defendant and Cross Defendant.))

This matter is before the court *sua sponte*.

On January 21, 2010, the court resolved two of the third-party defendants' motions to dismiss. **See** Filing No. 88. Further, the court notes there is no evidence in the record that the third-party plaintiff, Borko B. Djordjevic, has served the third-party defendant John Osaka. The court ordered Mr. Djordjevic to serve all third-party defendants by July 24, 2009. **See** Filing No. 63; **see also** Fed. R. Civ. P. 4(m) (establishing a 120-day time limit for service of process on a defendant in a civil case, absent a showing of good cause). Moreover, although this case has been on file since April 20, 2007, the parties have made no meaningful progress toward trial. Accordingly,

IT IS ORDERED:

- 1. Borko B. Djordjevic shall have to **on or before February 12, 2010**, to file proof of service on John Osaka or show cause why John Osaka should not be dismissed for failure to prosecute.
- 2. The parties shall meet, confer and file a joint planning report in accordance with the requirement of <u>Fed. R. Civ. P. 26(f)</u> **no later than February 12, 2010**. The court may impose sanctions on any party who fails to comply with this order pursuant to <u>Fed. R. Civ. P. 16(f)</u>.

DATED this 27th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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