

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL)
UNION NO. 22 AND NATIONAL)
ELECTRICAL CONTRACTORS)
ASSOCIATION NEBRASKA CHAPTER)
HEALTH AND WELFARE PLAN, and)
JULIE FAST, in her representative)
capacity as a fiduciary of the Plaintiff)
Funds,)**

Plaintiffs,

vs.

**CHRISTOPHER SULLIVAN and)
ROBIN SULLIVAN,)**

Defendants.

8:09CV273

ORDER TO SHOW CAUSE

This matter is before the court on the court's own motion pursuant to Fed. R. Civ. P. 4(m), which now provides:

If a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period....

The court file shows that this case was filed on August 12, 2009, and the 120-day period has expired. The record does not show that the plaintiff has effected service upon the defendants.

IT THEREFORE IS ORDERED that, on or before **January 5, 2010**, plaintiffs shall either: (1) effect service on the defendants and file proof of same with the court or (2) show cause why this case should not be dismissed without prejudice for failure to effect service within the time limit specified in Fed. R. Civ. P. 4(m).

DATED December 17, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**