

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 PICTURE PERFECT FILM ASSETS,

8 Plaintiff,

9 v.

10 THE MacLAREN ART CENTER, et al.,

11 Defendants.

C16-1893 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) The parties are ORDERED to show cause by June 16, 2017, why this
15 action should not be dismissed for failing to comply with the Order requiring Joint Status
16 Report signed on December 19, 2016, docket no. 4, as amended by the Minute Order
17 entered March 14, 2017, docket no. 13. Absent a timely response to this Minute Order,
18 this action shall be DISMISSED without prejudice.

19 (2) Plaintiff's motion for entry of default against defendant William Moore,
20 docket no. 23, is DENIED. Although plaintiff arranged for personal service of the First
21 Amended Complaint, see Aff. of Serv. (docket no. 8), the Second Amended Complaint
22 was merely mailed to Moore, without any involvement by the Clerk of the Court, to an
23 address in Innisfil, Ontario, apparently without requiring a signed receipt. See Krikorian
Decl. at ¶ 7 (docket no. 24). This manner of service does not comply with Federal Rule
of Civil Procedure 4(f)(2)(C)(ii). Moreover, according to the United States Postal
Service website, the materials associated with tracking number provided by plaintiff's
counsel (UA366192304US) departed Seattle on April 13, 2017, but are currently still in
transit to their destination. See [https://tools.usps.com/go/TrackConfirmAction?tLabels=](https://tools.usps.com/go/TrackConfirmAction?tLabels=us366192304us)
[us366192304us](https://tools.usps.com/go/TrackConfirmAction?tLabels=us366192304us) (visited May 19, 2017). Because Moore has not yet been properly served
with the Second Amended Complaint, the time period for him to respond has not expired.
See Fed. R. Civ. P. 15(a)(3); see also Minute Order (docket no. 13).

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 19th day of May, 2017.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk