

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PICTURE PERFECT FILM ASSETS,

Plaintiff,

V.

THE MacLAREN ART CENTER, et al.,

Defendants.

C16-1893 TSZ

MINUTE ORDER

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

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

(2) Plaintiff's motion for entry of default against defendant William Moore, docket no. 23, is DENIED. Although plaintiff arranged for personal service of the First Amended Complaint, see Aff. of Serv. (docket no. 8), the Second Amended Complaint was merely mailed to Moore, without any involvement by the Clerk of the Court, to an 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=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