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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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LIBERTY MEDIA HOLDINGS, LLC, a California Corporation,	CASE NO. 10cv1809 WQH (BLM)

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ORDER

Plaintiff,

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vs.

RYOICHI WATANABE, an individual;
JASON PHILLIPS, an individual;
DAVID SMITH, an individual; JAMES
MARCH, individually; DI S.A., a foreign
corporation; ADRUSH MEDIA, a foreign
corporation; MYCLICKTO.COM, a
California corporation; and DOES 1-500,

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Defendants.

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HAYES, Judge:

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On August 31, 2010, Plaintiff filed the Complaint. (ECF No. 1). To date, proof of

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service has not been filed for Defendants James March, DI S.A., and Myclickto.com.
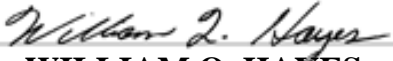
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Federal Rule of Civil Procedure 4 requires that a summons and complaint be served

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"within 120 days after the complaint is filed." Fed. R. Civ. P. 4(m). If a plaintiff fails to serve

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the summons and complaint within that time limit, the court may dismiss the action without

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prejudice after notice to the plaintiff. *Id*.

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This Order constitutes notice to Plaintiff that the Court will dismiss this action as to

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Defendants James March, DI S.A., and Myclickto.com without prejudice on or after **Monday,**

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November 14, 2011, unless, no later than that date, Plaintiff files either (1) proof that service

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of the summons and complaint was timely effectuated *or* (2) a declaration under penalty of

1   perjury showing good cause for failure to timely serve the Defendants James March, DI S.A.,

2   and Myclickto.com with the summons and complaint accompanied by a motion for leave to

3   serve process outside of the 120 day period.

4   **IT IS SO ORDERED.**

5   DATED: November 4, 2011

6   _William Q. Hayes_
                                           WILLIAM Q. HAYES
7   United States District Judge

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