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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NADIA ROBERTS, et al.,

Plaintiffs

v.

UBS AG, et al.,

Defendants.

Case No. 1:12-cv-00724-LJO-SKO

**ORDER REQUIRING PLAINTIFFS TO
FILE PROOFS OF SERVICE OR
NOTICES OF DISMISSAL FOR
DEFENDANTS SCHUMACHER AND
RICKENBACHER**

**ORDER SETTING SCHEDULING
CONFERENCE FOR
NOVEMBER 26, 2013**

On July 5, 2013, the Court issued an order discharging the Court's May 28, 2013, Order to Show Cause and requiring Plaintiffs Nadia Roberts, et al. ("Plaintiffs") to file Notices of Dismissal for the non-viable Defendants identified by Plaintiffs and file either Proofs of Service or Notices of Dismissal as to Defendants Hansruedi Schumacher ("Schumacher") and Matthias Rickenbach ("Rickenbach"). (Doc. 50.)

On August 2, 2013, Plaintiffs filed a Request for Dismissal of the non-viable Defendants, which was approved by the Court on August 5, 2013. (Doc. 51, 52.) Plaintiffs, however, have not yet filed Proofs of Service or Notices of Dismissal as to Defendants Schumacher and Rickenbach.

Accordingly, within ten (10) days of the date of this order, Plaintiffs shall file either Proofs of Service or Notices of Dismissal as to Defendants Schumacher and Rickenbach. As Plaintiffs

1 have been previously informed by this Court, Plaintiffs' failure to comply with the Court's order
2 may result in dismissal of these Defendants pursuant to Rule 4(m) of the Federal Rules of Civil
3 Procedure, which provides that "[i]f a defendant is not served within 120 days after the complaint
4 is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action
5 without prejudice against that defendant or order that service be made within a specified time."
6 (Doc. 48, 3:13-16 (citing Fed. R. Civ. P. 4(m).))

7 Additionally, the Court SETS a scheduling conference in this action for November 26,
8 2013, at 9:45 a.m., in Courtroom 7 before Magistrate Judge Sheila K. Oberto.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Within ten (10) days of the date of this order, Plaintiffs shall file Proofs of Service
11 or Notices of Dismissal for Defendants Schumacher and Rickenbach; and
- 12 2. A Scheduling Conference is set for November 26, 2013, at 9:45 a.m., in
13 Courtroom 7 before Magistrate Judge Sheila K. Oberto.

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16 IT IS SO ORDERED.

17 Dated: October 2, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE