Laura L. Ho (SBN 173179)
lho@gbdhlegal.com
Anne Bellows (SBN 293722)
abellows@gbdhlegal.com
Kristen A. Burzynski (SBN 331433)
kburzynski@gbdhlegal.com
GOLDSTEIN, BORGEN, DARDARIAN & HO
155 Grand Avenue, Suite 900
Oakland, CA 94612
(510) 763-9800; (510) 835-1417 (Fax)

Andrew Wolff (SBN 195092)
andrew@awolfflaw.com
LAW OFFICES OF ANDREW WOLFF, PC
1615 Broadway, 4th Floor
Oakland, CA 94612
(510) 834-3300; (510) 834-3377 (Fax)

Jesse Newmark (SBN 247488)
jessenewmark@centrolegal.org
CENTRO LEGAL DE LA RAZA
3022 International Blvd., Suite 410
Oakland, CA 94601
(510) 437-1863; (510) 437-9164

Jocelyn D. Larkin (SBN 110817)
Lindsay Nako (SBN 239090)
lnako@impactfund.org
jlarkin@impactfund.org
THE IMPACT FUND
2080 Addison Street, Suite 5
Berkeley, CA 94701
(510) 845-3473; (510) 845-3654 (Fax)

Attorneys for Plaintiffs and Relators and the Certified Classes

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DENIKA TERRY, et al.,

Plaintiffs/Relators,

vs.

WASATCH ADVANTAGE GROUP, LLC, et al.,

Defendants.

Case No.: 2:15-CV-00799-KJM-DB

CLASS ACTION

ORDER EXTENDING TIME FOR SERVICE UNDER RULE 4(m)

Date: December 17, 2021
Time: 10:00 a.m.
Dept: Courtroom 3, 15th Floor
Before: Hon. Chief Judge Kimberly J. Mueller

Trial Date: None Set

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO
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ORDER

The court has reviewed Plaintiffs' Motion to Extend the Time for Service, ECF No. 153, which is unopposed.. For the reasons below, the court **grants the request**.

A plaintiff must serve a defendant "within 90 days after the complaint is filed." Fed. R. Civ. P. 4(m). "[I]f the plaintiff shows good cause for the failure, the court must extend the time for service." *Id*. Good cause exists if "(a) the party to be served received actual notice of the lawsuit; (b) the defendant would suffer no prejudice; and (c) plaintiff would be severely prejudiced if his complaint were dismissed." *In re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001) (citation omitted). "[E]ven without a showing of good cause, a district court may utilize its 'broad' discretion to extend the time for service. *United States v. 2,164 Watches, More or Less Bearing a Registered Trademark of Guess?, Inc.*, 366 F.3d 767, 772 (9th Cir. 2004).

Here, plaintiffs filed their amended complaint and, two days later, sent defense counsel a request for waiver of service on behalf of the new defendants. Mot. at 3. Defense counsel represented they were finalizing an agreement to represent the new defendants. *Id.* Despite diligent and continued efforts by both parties, defense counsel did not finalize the representation and complete the waiver of service by the November 15, 2021 service deadline imposed by Rule 4. *Id*. at 1–4. However, the new defendants are aware of the lawsuit, Bellows Decl. 5, 7–21, ECF No. 153-1, and would not be prejudiced if the court grants an extension for plaintiffs to effect service.

Good cause appearing, and in the exercise of this court's broad discretion to extend the time for service, the court hereby **grants** the motion and extends the period for service under Federal Rule of Civil Procedure 4(m) by an additional 45 days, to December 30, 2021.

The court vacates the motion hearing set for December 17, 2021.

This order resolves ECF No. 153

IT IS SO ORDERED.

DATED: November 22, 2021.

CHIEF UNITED STATES DISTRICT JUDGE