

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Nwosu v. Cascade Investment, LLC et al.

Nwosu · No. 2:24-cv-09100-SPG-SSC · Decided March 4, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Adaeze Nwosu to show cause why the action should not be dismissed under Federal Rule of Civil Procedure 4(m) for failure to properly serve BlackRock, Inc., Scott Harris, and United States District Judge Christopher Reid Cooper. The court found that the submitted proofs of service were insufficient and required a written response within fourteen calendar days demonstrating proper service or good cause for the failure to serve.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sherilyn Peace Garnett
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 4, 2025
DOCKET	2:24-cv-09100-SPG-SSC
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed because Plaintiff had not filed sufficient proofs of proper service on three defendants within the period required by Federal Rule of Civil Procedure 4(m).
STANDARD OF REVIEW	District courts have broad discretion under Federal Rule of Civil Procedure 4(m) to dismiss an action without prejudice or extend the time for service.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.

TOPICS

- service of process
- personal jurisdiction
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff provided sufficient proof that BlackRock, Inc., Scott Harris, and Judge Christopher Reid Cooper were properly served within the time required by Federal Rule of Civil Procedure 4(m).
2. Whether Plaintiff should be required to show proper service or good cause for failure to serve before the court dismisses the action under Rule 4(m).

HOLDINGS

1. Plaintiff's conclusory filing and deficient proofs of service did not establish that BlackRock, Inc., Scott Harris, and Judge Christopher Reid Cooper were properly served within ninety days after the complaint was filed.
2. Before dismissing the action for failure to serve, the court required Plaintiff to show either that service complying with Rule 4 was timely made or that good cause existed for the failure to serve within the Rule 4(m) period.
3. Actual notice or merely naming a defendant in the complaint does not establish personal jurisdiction when service was not made in substantial compliance with Rule 4.

KEY QUOTATIONS

“If a defendant is not served within 90 days after the complaint is filed, the court—on its own motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” (at 1)

“Neither actual notice, nor simply naming the person in the caption of the complaint, will subject defendants to personal jurisdiction if service was not made in substantial compliance with Rule 4.” (at 2)

FACTUAL BACKGROUND

Plaintiff claimed to have served BlackRock, Inc. on October 22, 2024, and Scott Harris and Judge Christopher Reid Cooper on October 28, 2024. The court determined that the filed proofs of service were deficient because they had incomplete or missing addresses and did not make clear that service was accepted by an authorized person. Plaintiff's subsequent filing merely asserted, without factual support, that the proofs complied with the applicable service requirements.

PROCEDURAL HISTORY

Plaintiff asserted that she served BlackRock, Inc., Scott Harris, and United States District Judge Christopher Reid Cooper in October 2024. When Plaintiff later requested entry of default against those defendants, the court found the submitted proofs of service deficient because they contained incomplete or missing addresses and did not clearly identify persons authorized to accept service. The court ordered Plaintiff to respond within fourteen calendar days with facts and evidence demonstrating proper service or good cause for failing to serve timely, warning that failure to respond would be deemed consent to dismissal.

DISPOSITION

other

CASES CITED

- *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007)
- *In re Sheehan*, 253 F.3d 507, 513 (9th Cir. 2001)
- *Neumont Univ., LLC v. Nickles*, 304 F.R.D. 594, 597 (D. Nev. 2015)
- *SEC v. Ross*, 504 F.3d 1130, 1138 (9th Cir. 2007)
- *Daly-Murphy v. Winston*, 837 F.2d 348, 355 (9th Cir. 1987)
- *Jackson v. Hayakawa*, 682 F.2d 1344, 1347 (9th Cir. 1982)

OPINION

Adaeze Nwosu v. Cascade Investment, LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 2:24-cv-09100-SPG-SSC Date March 4, 2025 Title Nwosu v. Cascade Investment, LLC
et al. a Present: The Honorable SHERILYN PEACE GARNETT

UNITED STATES DISTRICT JUDGE

P. Gomez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff:
Attorneys Present for Defendants: Not Present Not Present Proceeding: (INCHAMBERS)

ORDER TO SHOW CAUSE WHY THIS CASE SHOULD

NOT BE DISMISSED FOR FAILURE TO FILE PROOFS OF PROPER

SERVICE WITHIN THE TIME REQUIRED BY FEDERAL RULE OF CIVIL

PROCEDURE 4(m)

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on its own motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Courts have “broad discretion” under Rule 4(m). See *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007); *In re Sheehan*, 253 F.3d 507, 513 (9th Cir. 2001) (holding that district court did not abuse its discretion when deciding to dismiss an action instead of granting an extension of time to serve under Rule 4(m)). In previous filings with the Court, Plaintiff Adaeze Nwosu (“Plaintiff”) asserted she served Defendant BlackRock, Inc., on October 22, 2024, (ECF No. 20 (“BlackRock Proof of Service”)), and Scott Harris, and United States District Judge Christopher Reid Cooper on October 28, 2024, (ECF Nos. 22 (“Harris Proof of Service”), 32 (“Judge Cooper Proof of Service”)). However, upon Plaintiff’s Requests for

Default as to these three Defendants (ECF Nos. 51, 53), the Court issued Notices of Deficiency on December 27, 2024, explaining that the BlackRock Proof of Service, Harris Proof of Service, and Judge Cooper Proof of Service are insufficient because they have “incomplete/missing address[es],” and that “[s]ervice must be made clear of person authorized to accept service.” (ECF Nos. 55-56). Plaintiff subsequently filed a Notice to Clerk re Deficiency Notice Dated December 27 on Plaintiff's Request for Entry of Default on Select Defendants, (ECF No. 59 (“Notice”)). The Notice states without any factual support that the “proof of service of process complies with L.R. 5-3.1.2 Proof of Service AND fed. Rule 4 [sic].” (ECF No. 59 at 1). Such a conclusory statement is not sufficient to show proper service. Plaintiff therefore has not provided sufficient proof that the three Defendants

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES — GENERAL

Case No. 2:24-cv-09100-SPG-SSC Date March 4, 2025 Nwosu v. Cascade Investment LLC et al have been properly served within 90 days of the filing of the Complaint, as is required by Rule 4(m). The Court therefore Orders Plaintiff to Show Cause why this case should not be dismissed for failure to file proofs of proper service and failure to properly serve in accordance with Rule 4(m) the Summons and Complaint on Defendant BlackRock, Inc., Scott Harris, and United States District Judge Christopher Reid Cooper. “Service of process is the means by which a court asserts jurisdiction over the person.” *Neumont Univ., LLC v. Nickles*, 304 F.R.D. 594, 597 (D. Nev. 2015) (quoting *SEC v. Ross*, 504 F.3d 1130, 1138 (9th Cir. 2007)). When service is required, “failure to perfect it is fatal to a lawsuit.” /d. at 597 (citing *Daly—Murphy v. Winston*, 837 F.2d 348, 355 (9th Cir. 1987)). “Neither actual notice, nor simply naming the person in the caption of the complaint, will subject defendants to personal jurisdiction if service was not made in substantial compliance with Rule 4.” *Jackson v. Hayakawa*, 682 F.2d 1344, 1347 (9th Cir. 1982) (citations omitted). Accordingly, within fourteen (14) calendar days of this Order to Show Cause, Plaintiff must file a written response to this Order, not to exceed five (5) pages, stating the facts that demonstrate either: (1) that proper service meeting the requirements of Rule 4 has been made upon BlackRock, Inc., Scott Harris, and Judge Christopher Reid Cooper within the time frame of Rule 4(m) and providing arguments and evidence as to why each service was proper; or (2) that good cause exists for Plaintiff's failure to properly serve the Defendants within the time required by Rule 4(m). Failure to respond within fourteen (14) days of the issuance of this Order will be deemed as consent to dismissal of these Defendants and this action. Initials of Preparer pg