

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

United States Liability Insurance Company v. Liberty Insurance
Corporation

United States Liability Insurance · No. CV 25-8204 FMO (KSx) · Decided November 19, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause regarding potential dismissal for lack of prosecution. The court directed the plaintiff to file proof of service, an answer, or an application for entry of default by November 26, 2025, and stated that failure to respond could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 19, 2025
DOCKET	CV 25-8204 FMO (KSx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause, on its own motion, requiring the plaintiff to explain why the action should not be dismissed without prejudice for lack of prosecution and failure to comply with service and responsive-pleading deadlines.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- service of process
- default
- civil procedure

PRACTICE AREAS

- civil procedure
- insurance

QUESTIONS PRESENTED

1. Whether the court should require the plaintiff to show cause why the action should not be dismissed without prejudice for lack of prosecution.
2. Whether the apparent failure to serve the summons and complaint, obtain an answer, or seek entry of default warranted an order to show cause under the Federal Rules of Civil Procedure and the court's local rules.

HOLDINGS

1. Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed.
2. The court may dismiss an action before the 90-day service period expires if the plaintiff has not diligently prosecuted the action.
3. When service is to be made on individuals or business entities in a foreign country, the plaintiff must exercise all reasonable diligence and attempt service within the 90-day period.

KEY QUOTATIONS

“Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed.”

“The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action.”

FACTUAL BACKGROUND

The plaintiff filed a civil action against Liberty Insurance Corporation. The court's order indicates that one or more defendants may not have been served within the required period, and that the action may not have been diligently prosecuted. No defendant or attorney appeared at the proceeding reflected in the minutes.

PROCEDURAL HISTORY

The action was filed in the Central District of California. The court found that the record appeared to show that the applicable service, answer, or prosecution deadlines had not been met and ordered the plaintiff to respond by November 26, 2025. The order states that the matter would be submitted without oral argument and identifies proof of service, an answer, or an application for entry of default as possible responses.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

United States Liability Insurance Company v. Liberty Insurance Corporation

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 25-8204 FMO (KSx) Date November 19, 2025 Title United States Liability Insurance Company v. Liberty Insurance Corporation Present: The Honorable — Fernando M. Olguin, United States District Judge Vanessa Figueroa None Present Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action. With respect to service of individuals and/or business entities in a foreign country, plaintiff shall exercise all reasonable diligence and attempt service within the 90-day time period. In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before November 26, 2025, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of: X Proof(s) of service of summons and complaint on the following defendant(s):

ALL DEFENDANTS

X An answer by the following defendant(s): ALL DEFENDANTS X Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a):

ALL DEFENDANTS

on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court. See Local Rule 41; Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962). Initials of Preparer vdr