

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 19–cv–00349–RM–KMT

RAIN DESIGN, INC, and  
KOK HONG LYE,

Plaintiffs,

v.

SPINIDO, INC.,  
GOMFFER, INC., and  
DOES 1-10, inclusive,

Defendants.

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**ORDER**

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This matter is before the Court upon consideration of Plaintiffs’ response (ECF No. 52) to the Order to Show Cause (“OSC”) (ECF No. 51). In the OSC, based on Plaintiffs’ failures to adhere to deadlines ordered by the Court, they were ordered to show cause why this action should not be dismissed without prejudice for failure to prosecute, to comply with the Federal Rules of Civil Procedure, and to comply with this Court’s Order of March 11, 2020. In response, Plaintiffs’ counsel admits his failures, due to personal issues such as concerns that he had contracted Covid-19 (he did not), and requests this Court to (1) allow Plaintiffs another opportunity to properly effect service on Defendants; (2) impose monetary sanctions against Plaintiffs’ counsel; (3) permit counsel to withdraw and allow Plaintiffs to retain new counsel; or (4) dismiss this action without prejudice, which would allow Plaintiffs to refile this action.

Upon consideration of the court record, including the fact that Plaintiffs have attempted to effect service and did so as permitted by a California court before the case was transferred to this

District,<sup>1</sup> and Fed. R. Civ. P. 1, the Court will allow Plaintiffs one final opportunity to properly obtain service on Defendants. Accordingly, it is **ORDERED**

- (1) That the Order to Show Cause (ECF No. 51) is DISCHARGED;
- (2) That Plaintiffs shall have 60 days from the date of this Order in which to properly serve Defendants and file proof of service with the court; and
- (3) That Plaintiffs may move for an order of substituted service, pursuant to Fed. R. Civ. P. 4 and Colo. R. Civ. P. 4, within 14 days of the date of this Order.

DATED this 8th day of June, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge

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<sup>1</sup> Such service was not effective under Colorado law. (ECF No. 49.)