ADMINISTRATIVE ORDER AO-2026-02

RINCON CIVIL TRIAL COURT

Failure of Plaintiff to Timely Serve Summons and Complaint

1. **Purpose and Scope**

(a) Purpose: The purpose of this Order is the establishment of uniform procedures governing the procedures to be followed when a plaintiff fails to serve a summons and complaint in the required timeframe.

(b) Scope: The provisions of this order govern all cases in the Rincon Civil Trial Court.

(c) Authority: This Order is issued pursuant to the Rincon Civil Trial Court Code of Civil Procedure ("RCTC CCP") and the inherent authority of the court to regulate proceedings before it and to ensure the fair, orderly, and efficient administration of justice.

2. Procedure

In accordance with RCTC § 3.311(b)(2), if a plaintiff fails to serve the defendant(s) within 30 days after the summons is issued (unless the plaintiff has requested and been granted an extension of time), a judge shall:

(a) Issue a notice of pending dismissal[1] advising the plaintiff that the case will be dismissed if the plaintiff fails to serve the summons and complaint, or request an extension of time, within a date certain.

(b) If the plaintiff fails to comply with the notice, dismiss the action without prejudice against any defendant not properly served with the summons and complaint; however, should the judge determine the circumstances warrant, the matter may be dismissed with prejudice.

IT IS SO ORDERED

Date: November 13th, 2026

Kathryn A. Ogas

Kathryn A. Ogas
Chief Judge
Rincon Civil Trial Court

[1] The Court Clerk can provide the judge with a "Notice of Pending Dismissal" template.