

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

JIMMIE E. SMALL,)	
)	
Plaintiff,)	
)	
v.)	No. 10-CV-1415
)	
WW LODGING, INC.,)	
)	
Defendant.)	

OPINION

BYRON G. CUDMORE, U.S. MAGISTRATE JUDGE:

This matter comes before the Court on Plaintiff Jimmie E. Small's Response (d/e 31) to District Court Order (d/e 30) (Response). This case was originally filed in the District Court for the Southern District of Iowa, but later transferred to this Court. Order entered December 16, 2010 (d/e 20). After the transfer, this Court entered a default against Defendant WW Lodging, Inc. (WW Lodging). Order of Default entered February 7, 2011 (d/e 24). The District Court later questioned whether Small had properly served Defendant, vacated the entry of Default, and referred this matter for consideration of whether service was properly executed on WW Lodging. Order entered May 2, 2011 (d/e 30).

Small sent the summons and complaint by certified mail to Defendant WW Lodging in care of an individual named Sue Eastman at 1825

Gillespie Way, Suite 101, El Cajon, CA 92020. Return of Service on WW Lodging (d/e 13). The District Court directed Small to submit proof that Small had served the secretary of WW Lodging at its principal place of business, by certified mail, as required by Iowa law. Text Order entered May 10, 2011. Small has filed his Response. The Response fails to establish that Sue Eastman is the secretary of WW Lodging or that the address in El Cajon, California, is WW Lodging's principal place of business. Small, therefore, has failed to establish that he has properly served WW Lodging.

This Court will not recommend dismissal of this case because Small has been diligent in attempting to serve WW Lodging. This Court further, as a matter of general procedure, directs the Marshal to serve summons for parties who have been granted *in forma pauperis* status, such as Small. The Court will therefore direct the Marshal to effect service for Small.

Because this case is now in this Court, service should be done in accordance with Illinois law. Fed. R. Civ. P. 4(e)(1) & (h)(1)(A). When a corporation no longer maintains a registered agent in Illinois, service is to be made by certified mail on: (1) the Illinois Secretary of State; (2) the last registered agent shown by the records on file at the Illinois Secretary of State; and (3) at any known address likely to give actual notice to the defendant. 805 ILCS 5/5.25.

The Court has reviewed the web sites for the Illinois and Delaware Secretaries of State to determine the appropriate addresses on which to serve WW Lodging. The Court may take judicial notice of public records and independently search the web sites of such public records. See Belleville Catering Co. v. Champaign Market Place, L.L.C., 350 F.3d 691, 693 (7th Cir. 2003) (“[C]ounsel could have done what the court did: use the Internet” to research state corporation information). The Illinois Secretary of State’s records state that WW Lodging is a Delaware corporation that has withdrawn from the state, and the last registered agent was Prentice Hall Corporation, 33 North LaSalle Street, Chicago, Illinois 60602. The Delaware Secretary of State’s Office records state that WW Lodging is a domestic corporation and its registered agent is National Corporate Research, Ltd., 615 South Dupont Hwy, Dover, Delaware 19901. Attached as appendices to this Opinion are copies of the website screen shots with the information regarding WW Lodging from Illinois and Delaware Secretaries of State.

WHEREFORE, The Court directs the Clerk to prepare summons, copies of the Complaint (d/e 1) and this Opinion for the Marshal, and

directs the Marshal to serve such by certified mail on the following parties
at the following addresses:

Illinois Secretary of State
501 S. Second Street
Springfield, Illinois, 62756

National Corporate Research, Ltd.
615 South Dupont Hwy
Dover, Delaware 19901

and

Prentice Hall Corporation
33 North LaSalle Street
Chicago, Illinois 60602

ENTER: June 6, 2011

s/ Byron G. Cudmore
BYRON G. CUDMORE
UNITED STATES MAGISTRATE JUDGE

CYBERDRIVEILLINOIS
JESSE WHITE
 SECRETARY OF STATE

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CORPORATION FILE DETAIL REPORT

Entity Name	WW LODGING INC.	File Number	58654213
Status	WITHDRAWN		
Entity Type	CORPORATION	Type of Corp	FOREIGN BCA
Qualification Date (Foreign)	01/05/1996	State	DELAWARE
Agent Name	PRENTICE HALL CORPORATION	Agent Change Date	05/07/1996
Agent Street Address	33 NORTH LASALLE STREET	President Name & Address	DANIEL M NEIDICH 120 EAST END AVE APT 7A NEW YORK NY 10028
Agent City	CHICAGO	Secretary Name & Address	WITHDRAWN 03 28 00
Agent Zip	60602	Duration Date	PERPETUAL
Annual Report Filing Date	03/28/2000	For Year	2000
Old Corp Name	05/22/1996 - FORTE HOTELS, INC. 09/25/1996 - NL HOTELS INC. 07/15/1998 - CHARTWELL LODGING INC.		

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

Incorporation Date / Formation Date: **09/12/1995** (mm/dd/yyyy)

File Number: **2535247**

Entity Name: **WW LODGING INC.**

Entity Kind: **CORPORATION** Entity Type: **GENERAL**

Residency: **DOMESTIC** State: **DE**

REGISTERED AGENT INFORMATION

Name: **NATIONAL CORPORATE RESEARCH, LTD.**

Address: **615 SOUTH DUPONT HWY**

City: **DOVER** County: **KENT**

State: **DE** Postal Code: **19901**

Phone: **(302)734-1450**

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