

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TERENCE PAUL FLANAGAN,

Plaintiff,

v.

COLUMBIA COLLECTION SERVICES,
INC., an Oregon Corporation, and
DOES 1-2,

Defendants.

Case No. 3:14-cv-00055-HU

OPINION AND ORDER

HUBEL, Magistrate Judge:

Plaintiff has filed a Motion for Entry of Order of Default Against Defendant Columbia Collection Services, Inc., document #11. Examining the return of service, document #10, it appears that the only service on defendant was made by certified mail to the address of the corporation, to the attention of "Randall Welch", who is claimed to be the registered agent for the corporation, although there is no reference to the State of Oregon records to support this claim or to any other source of

this information.

FRCP 4(h) sets forth the manner in which a domestic corporation may be served. Where service is in a judicial district of the United States, service must be personal, FRCP 4(h)(1)(B), or in the manner described in FRCP 4(e)(1).

FRCP(4)(e)(1) requires following state law for service in the state where the district court is located. ORCP 7d(3)(b) also prefers personal service on the registered agent for a corporation. Alternatives include substituted service on the registered agent, an officer or director; personal service on any clerk or agent of the corporation in the county where the case is filed, or by mail in accordance with ORCP 7D(2)(d) to the office of the registered agent of the corporation. ORCP 7C(3)(b)(ii)(C).

For valid service by mail, ORCP 7D(2)(d)(i) requires copies of the summons and complaint to be mailed by first class mail to the defendant **in addition** to certified, registered, or express mail with return receipt requested.

The motion for an entry of default is denied because

(1) There is no identification of the source of the information that Randall Welch is the registered agent for Columbia Collection Services, Inc.,

(2) There is no indication that the registered agent's office is located at the same address as the corporation at

12400 SE Freeman Way, Suite 202, Milwaukie, OR 97222, and
(3) There is no record of mailing the summons and complaint
by first class mail **and** by one of the other approved
methods under ORCP 7D(2)(d)(i) to the office of the
registered agent for Columbia Collection Services, Inc.

IT IS SO ORDERED.

DATED this 9th day of May, 2014.

/s/ Dennis J. Hubel

Dennis J. Hubel
United States Magistrate Judge