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Attorneys for Plaintiff DC Comics

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

11 DC Comics,

12 Plaintiff,

13 v.

14 Mark Towle, an individual and doing
 15 business as Gotham Garage, and Does 1 -
 10, inclusive,

16 Defendants.

Case No. CV11-03934 RSWL (OPx)

17 } **[PROPOSED] ORDER**
 } **GRANTING PLAINTIFF'S *EX***
 } ***PARTE* APPLICATION FOR**
 } **ORDER AUTHORIZING**
 } **SERVICE OF PROCESS ON**
 } **DEFENDANT BY PUBLICATION**
 } **AND MAIL AND REQUEST FOR**
 } **ENLARGEMENT OF TIME**
 } **WITHIN WHICH TO EFFECT**
 } **SERVICE**

18
 19 The Court has read and considered all papers filed in connection with Plaintiff
 20 DC Comics' ("Plaintiff") *Ex Parte* Application for Order Authorizing Service of
 21 Process on Defendant by Publication and Mail and Request for Enlargement of Time
 22 Within Which to Effect Service ("Application"), and it appears to the satisfaction of
 23 the Court that Defendant Mark Towle, an individual and doing business as Gotham
 24 Garage ("Defendant"), cannot be served with reasonable diligence in any other
 25 manner set forth in California Code of Civil Procedure §§ 415.10 through 415.40.
 26 The Court also finds that Plaintiff has stated facts sufficient to constitute a cause of
 27 action against Defendant.

1 THEREFORE, IT IS HEREBY ORDERED that the Application is granted as
2 follows:

- 3 1) Service of the summons in this action on Defendant shall be accomplished by
4 publication in the Orange County Register, a newspaper published in the State of
5 California, and designated as the newspaper most likely to give actual notice to
6 Defendant.
- 7 2) The publication shall be made once a week for four (4) successive weeks,
8 pursuant to California Government Code § 6064.
- 9 3) Plaintiff shall concurrently mail a copy of the summons, complaint and order
10 for publication to both the last known address for Defendant and the address of
11 Defendant's counsel.
- 12 4) This order does not preclude service upon Defendant in any other manner
13 authorized by the Federal Rules of Civil Procedure, which service supersedes the
14 service by publication.
- 15 5) Plaintiff shall have a sixty (60) day enlargement of time within which to serve
16 Defendant, and in no event later than November 2, 2011.

17
18 Dated:

Hon. Ronald S.W. Lew
District Judge, United States District
Court, Central District of California

19
20
21 PRESENTED BY:

22 J. Andrew Coombs,
A Professional Corporation

23 By: /s Nicole L. Drey
24 J. Andrew Coombs
25 Nicole L. Drey
Attorneys for Plaintiff DC Comics

PROOF OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above-entitled cause. I am employed by a member of the Bar of the United States District Court of California. My business address is 517 East Wilson Avenue, Suite 202, Glendale, California 91206.

On August 31, 2011, I served on the interested parties in this action with:

- **EX PARTE APPLICATION FOR ORDER AUTHORIZING SERVICE OF PROCESS ON DEFENDANT BY PUBLICATION AND MAIL AND REQUEST FOR ENLARGEMENT OF TIME WITHIN WHICH TO EFFECT SERVICE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**
- **[PROPOSED] ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR ORDER AUTHORIZING SERVICE OF PROCESS ON DEFENDANT BY PUBLICATION AND MAIL AND REQUEST FOR ENLARGEMENT OF TIME WITHIN WHICH TO EFFECT SERVICE**

in support for the following civil action:

Warner Bros. Entertainment Inc. v. M. Towle, et al.

by placing a true copy thereof in an envelope to be immediately sealed thereafter. I am readily familiar with the office's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on the same day with postage thereon fully prepaid at Glendale, California in the ordinary course of business. I am aware that on motion of the party served, service presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit.

Larry Zerner Zerner Law 1801 Century Park East, Suite 2400 Los Angeles, CA 90067	
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Place of Mailing: Glendale, California

Executed on August 31, 2011, at Glendale, California

/s/ Jeremy Cordero
Jeremy Cordero