UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DISH NETWORK, LLC., et al.,	Case No. 1:13-cv-00107-LJO-SKO
Plaintiffs,	**ORDER FOR SERVICE OF PROCES BY REGISTERED PROCESS SERVER**
v.	(Doc. 22)
ARMOANDO GONZALEZ	
Defendant.	

I.   INTRODUCTION

On March 12, 2015, Plaintiffs filed a request for an order appointing a registered process server to execute the judgment entered against Defendant on August 26, 2013. (Doc. 15.) Plaintiffs' ex parte request seeks the appointment of All-n-One Legal Support, which utilizes registered California process servers to serve writs of execution. (Doc. 12.) Plaintiffs represent that the service will utilize process servers who are competent and not less than 18 years of age, would not be a party to this action, and all servers are California process servers duly registered in all counties in California. Plaintiffs state that the request will result in substantial savings in time and travel fees of the United States Marshal, who will remain the levying officer pursuant to California Code of Civil Procedure § 699.080.

II. DISCUSSION

The execution of final judgments is governed by Rule 69(a) of the Federal Rules of Civil Procedure. Rule 69(a) provides as follows:

> (1) Money Judgment; Applicable Procedure. A money judgment is enforced by a writ of execution, unless the court directs otherwise. The procedure on execution – and in proceedings supplementary to and in aid of judgment or execution – must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.
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> . . .

Fed. R. Civ. P. 69(a). Pursuant to Rule 69(a), post-judgment enforcement proceedings must comply with California law. *Credit Suisse v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 130 F.3d 1342, 1344 (9th Cir. 1997); *Hilao v. Estate of Marcos*, 95 F.3d 848, 850 (9th Cir. 1996).

Under California law, a registered process server may levy under a writ of execution on property specified in California Code of Civil Procedure § 699.080(a). A registered process server is a person registered as a process server pursuant to the Business and Professions Code. *See* Cal. Civ. Pro. Code § 481.250 (citing Cal. Bus. & Prof. Code § 22350 to 22360). This authority is limited to cases where the levy does not involve the possibility of taking immediate possession of the property.

Pursuant to Plaintiffs' representation that All-n-One Legal Support will employ a process server who is at least 18 years of age, competent, not a party to this litigation, and duly registered in all counties in California, the request to appoint All-n-One Legal Support will be granted. Any process server employed by All-n-One Legal Support must be at least 18, not a party to this litigation, and registered as a California process server. Plaintiffs shall file a certificate of completed service of the writ of execution in this case when it is accomplished.

III. CONCLUSION AND ORDER

For the reasons set forth above, IT IS HEREBY ORDERED that:

1. Plaintiff's request is GRANTED;

2. All-n-One Legal Support is appointed to serve process of the writ in this action; and

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1   3.   Plaintiffs shall file proof of service of the writ of execution within 10 days of

2   service of the writ of execution.

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4   IT IS SO ORDERED.

5   Dated: **March 18, 2015**   **/s/ Sheila K. Oberto**
                                          UNITED STATES MAGISTRATE JUDGE

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