

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

XEROX CORPORATION,  
Plaintiff,  
v.  
SIMPLY SMASHING, INC.,  
Defendant.

Case No. 1:13 -cv-00395-LJO-SAB  
ORDER GRANTING PLAINTIFF’S REQUEST  
FOR SERVICE BY REGISTERED PROCESS  
SERVER  
(ECF No. 29)

On July 12, 2013, judgment was entered against Defendant Simply Smashing, Inc. in the amount of \$411,461.21. (ECF Nos. 20, 21.) On April 2, 2014, Plaintiff filed a request for service of process by a registered process server to serve the writ of execution. (ECF No. 29.)

Rule 69 of the Federal Rules of Civil Procedure, which governs a money judgment to be enforced by a writ of execution, provides that the procedure on execution must accord with the procedure of the state in which the court is located, but a federal governs to the extent that it applies. Fed. R. Civ. P. 69(a)(1). Rule 4.1 of the Federal Rules of Civil Procedure provides that “[p]rocess--other than a summons under Rule 4 or a subpoena under Rule 45--must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose.”<sup>1</sup>

The Court has read and considered that request for service of process and good cause

---

<sup>1</sup> Plaintiff requests authorization of service pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, however, in 1993 Rule 4.1 was adopted to separate the provisions of Rule 4. Fed. R. Civ. P. Advisory Committee Notes.

1 appearing, IT IS HEREBY ORDERED that

2 1. Gold Line Credit Services, Inc. is authorized to serve legal process in this matter,  
3 including writs of execution; and

4 2. The United States Marshal's Service shall remain the levying officer.

5  
6 IT IS SO ORDERED.

7 Dated: April 4, 2014

  
UNITED STATES MAGISTRATE JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28