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

16 MARISOL TOPETE and ROSALBA
17 MALDONADO,

18 Plaintiffs,

19 vs.

20 RAMOS FURNITURE.; and DOES 1-100,
21 inclusive,

22 Defendants.

Case No.: 1:16-CV-00271 EPG

STIPULATION & ORDER FOR ORDER
AUTHORIZING SERVICE OF
DEFENDANT DIMAS MANUEL, INC.
BY SUBSTITUTED SERVICE UPON
THE CALIFORNIA SECRETARY OF
STATE

23 **WHEREAS:**

24 1. Defendant DIMAS MANUEL, INC. (“DMI”) is a real party in interest to this lawsuit,
25 and has been named as a defendant in the instant action;

26 2. DMI is listed as a dissolved corporation by the California Secretary of State;

27 3. According to Plaintiffs, Plaintiffs have been unable to effect service of process upon
28 DMI by and through its agent for service of process; *and*

4. California state law authorizes alternative service of process upon a dissolved
corporation by and through the California Secretary of State pursuant to section 2011(b) of the
California Corporations Code. Substituted service under this section may be effected by

STIPULATION & ORDER FOR SUBSTITUTED SERVICE UPON DIMAS MANUEL, INC.

1 delivering a copy of the summons or other process to, *inter alia*, “any agent upon whom process
2 might be served at the time of dissolution. If none of such persons can be found with due
3 diligence and it is so shown by affidavit to the satisfaction of the court, then the court may make
4 an order that summons or other process be served... by personally delivering a copy thereof,
5 together with a copy of the order, to the Secretary of State or an assistant or deputy secretary of
6 state. Service in this manner is deemed complete on the 10th day after delivery of the process to
7 the Secretary of State.” Cal. Corp. Code § 2011(b).

8 5. Further, this method of service is authorized in Federal court by Rule 4 of the Federal
9 Rules of Civil Procedure, which permits service of a corporation by any method permitted by
10 the state in which the district court hearing the action sits. Fed. R. Civ. Proc. 4, subsec. (h).

11
12 THEREFORE, IT IS HEREBY AGREED by the undersigned counsel on behalf of Plaintiffs
13 MARISOL TOPETE and ROSALBA MALDONADO and Defendant FURNITURE DEALS,
14 INC. DBA RAMOS FURNITURE to the issuance by the Court an order authorizing substituted
15 service upon DMI by and through the California Secretary of State pursuant to section 2011(b)
16 of the California Corporations Code and Rule 4(h) of the Federal Rules of Civil Procedure.

17 IT IS SO STIPULATED,

18
19 Dated: March 10, 2017

**WAGNER, JONES, KOPFMAN
& ARTENIAN, LLP**

/s/Laura E. Brown

Laura E. Brown

Attorneys for Plaintiffs

SAGASER, WATKINS & WIELAND PC

/s/Paul J. Bauer (as authorized on 3/10/17) [draft]

Paul J. Bauer

Attorneys for Defendant RAMOS FURNITURE

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STIPULATION & ORDER FOR SUBSTITUTED SERVICE UPON DIMAS MANUEL, INC.

1 **Order**

2 **GOOD CAUSE BEING SHOWN** as described in the Declarations of Laura E. Brown
3 dated February 10, 2017 and March 3, 2017 (ECF Nos. 94, 96.) and as agreed to by Plaintiffs
4 MARISOL TOPETE and ROSALBA MALDONADO and Defendant FURNITURE DEALS,
5 INC. DBA RAMOS FURNITURE in the above stipulation, Plaintiffs are hereby authorized to
6 serve Defendant Dimas Manuel, Inc. through substituted service upon the California Secretary
7 of State pursuant to California Corporations Code section 2011(b) and Rule 4(h) of the Federal
8 Rules of Civil Procedure.

9
10 IT IS SO ORDERED.

11 Dated: March 20, 2017

12 /s/ Eric P. Gray
13 UNITED STATES MAGISTRATE JUDGE