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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. 2:10-CV-00789 GEB GGH

APPLICATION AND ORDER FOR
PUBLICATION

vs.

30.60 ACRES OF LAND, MORE OR LESS, IN
THE COUNTY OF SUTTER; PACIFIC GAS
AND ELECTRIC COMPANY; STEVE
HARRAH, SUTTER COUNTY TREASURER;
and UNKNOWN OWNERS,
Defendants.

The United States of America, Plaintiff herein, applies for an order of publication as follows:

1. Rule 71.1(d)(3)(B) of the Federal Rules of Civil Procedure provides that upon the filing of a Certificate for Service by Publication (*see* Attachment), unknown owners may be served by publication by a notice addressed to "Unknown Owners."

2. Local Rule 171 (Fed. R. Civ. P. 83), Eastern District of California, provides that the Court shall designate by order the appropriate newspaper for publication upon the filing by counsel of a

1 motion proposing the place and manner of such publication setting forth such information as the
2 language to be published, the frequency of publication, the reasons underlying selection of the proposed
3 vehicle of publication, and related matters;
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5 3. Plaintiff proposes that publication be made as follows:

6 a. Publication shall be made once a week for not less than three successive weeks
7 pursuant to Fed. R. Civ. P. 71.1(d)(3)(B);

8 b. Service by publication is complete upon the date of the last publication. Proof of
9 publication and mailing shall be made by certificate of the plaintiff's attorney, to which shall be attached
10 a printed copy of the published notice with the names and dates of the newspaper marked thereon.
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12 c. Publication shall be made in **THE APPEAL-DEMOCRAT**, a newspaper of
13 general circulation, printed and published in the City of Marysville, County of Yuba, which newspaper
14 has been adjudged a newspaper of general circulation within the County of Sutter, by the Superior Court
15 of the County of Sutter, State of California;
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17 d. The publication is to be addressed to "Unknown Owners" and is to include the
18 following:

- 19 (1) The Court, title and number of the action;
- 20 (2) That the action is to condemn the property;
- 21 (3) A description of the property sufficient for its identification;
- 22 (4) The interest to be taken;
- 23 (5) The authority for the taking;
- 24 (6) The uses for which the property is to be taken;
- 25 (7) That the defendant may serve upon the plaintiff's attorney an answer
26 within 20 days after service of the notice, and that failure to do so
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1 constitutes a consent to the taking and to the authority of the court to
2 proceed to hear the action and to fix the compensation;

3 (8) The name and address of the attorney for the Plaintiff where the attorney
4 may be served, and the telephone number of the attorney;
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6

7 Dated: April 9, 2010

BENJAMIN B. WAGNER
United States Attorney

9 /s/ Kelli L. Taylor
10 KELLI L. TAYLOR
Assistant United States Attorney
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12 **ORDER**

13
14 IT IS SO ORDERED.

15 Dated: April 14, 2010

/s/ Gregory G. Hollows

16 _____
17 GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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