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

Accor Franchising North America, LLC,)	2:12-cv-0762-GEB-CKD
)	
Plaintiff,)	
)	<u>ORDER AUTHORIZING SERVICE OF</u>
v.)	<u>PROCESS ON DEFENDANT ELOHIM</u>
)	<u>ENT. INC. THROUGH THE</u>
Elohim Ent. Inc., Gondosinaryo)	<u>CALIFORNIA SECRETARY OF STATE</u>
Listyo,)	<u>AND ON DEFENDANT GONDOSINARYO</u>
)	<u>LISTYO BY PUBLICATION</u>
Defendants.)	
_____)	

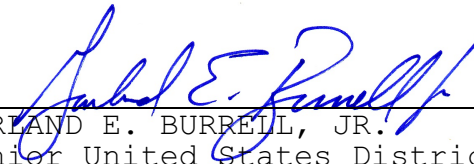
Plaintiff moves for an order authorizing service of process on Defendant Elohim Ent. Inc. ("Elohim") through the California Secretary of State and on Defendant Gondosinaryo Listyo ("Listyo") by publication in the U-T San Diego.

Federal Rule of Civil Procedure 4 permits service of process by "following state law for serving a summons . . . in the state where the district court is located" California Corporations Code section 1702(a) permits service by hand delivery of the summons and complaint to the California Secretary of State when "it is shown by affidavit . . . that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent" In addition, California Code of Civil Procedure section 415.50 permits service by publication if "upon affidavit it appears . . . that the party to be served cannot with reasonable diligence be served in another

1 manner" and "[a] cause of action exists against the party upon whom
2 service [by publication] is [requested]."

3 Plaintiff has shown that it exercised reasonable diligence in
4 attempting to locate and serve process on Listyo, who is also the agent
5 for service of process for Elohim. Therefore, Plaintiff's request to
6 serve Elohim through the California Secretary of State and Listyo
7 through publication in the U-T San Diego for eight (8) successive weeks
8 is granted; and the hearing currently scheduled for July 16, 2012 is
9 vacated.

10 Dated: July 10, 2012

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14 GARLAND E. BURRELL, JR.
15 Senior United States District Judge
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