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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,  
Plaintiff,  
v.  
CLAUDIA RAMIREZ JOYA,  
Defendant.

No. 2:14-cv-2005 GEB CKD

ORDER

Plaintiff has noticed for hearing on April 15, 2015 a motion for default judgment. The notice of motion and supporting documents were served on Jesse Ortiz, Esq. as “Attorney for Defendant.” Defendant has not appeared in this action and Jesse Ortiz is not counsel of record for defendant. The motion for default judgment has therefore not been properly served on defendant.

Review of the docket indicates that defendant was served by substituted service at what appears to be a residential address, although the proof of service states defendant was served at a business address. There is no evidence in the record that demonstrates that the person served at the residential address, which is different from the address of the business address identified in the complaint,<sup>1</sup> is in fact the correct defendant in this action.

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<sup>1</sup> The court takes judicial notice of the records of the California Department of Alcoholic Beverage Control that the alcohol license for the subject business was surrendered on December 31, 2014.

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Accordingly, IT IS HEREBY ORDERED that:

1. No later than March 11, 2015, plaintiff shall serve a copy of the motion for default judgment on defendant and shall file a proof of service reflecting said service.

2. No later than March 25, 2015, defendant shall file opposition, if any, to the motion for default judgment or a motion to set aside entry of default.

3. No later than March 25, 2015, plaintiff shall submit evidence in support of the propriety of the service of summons and the complaint on defendant Ramirez. Said evidence may include a supplemental affidavit of the process server setting forth the steps taken to ensure that the address at which substituted service was made is defendant's residential or business address.

4. The Clerk of Court is directed to serve a copy of this order on defendant Ramirez, 10220 Rockingham Drive, Sacramento, California, 95827 and Jesse Ortiz, 980 Ninth Street, Suite 340, Sacramento, California, 95814.

Dated: March 5, 2015

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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