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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL FRUNGILLO,
Plaintiff,
v.
IMPERIA ENTERTAINMENT, et al.,
Defendant.

No. 2:14-mc-0047 KJM CKD

ORDER

This matter is currently scheduled for a judgment debtor exam on November 16, 2016. The currently scheduled exam is the third judgment debtor exam plaintiff has attempted in this District. At the first examination, plaintiff's counsel indicated that the Quail Lakes Drive address listed on the defendant's website appears to be just a mail drop and that no business is conducted there. The proof of service for the current examination indicates that the registered agent for service of process was served at a Nevada address. Under California Code of Civil Procedure section 708.110, the judgment debtor must be personally served. Plaintiff's service by Federal Express of the order for examination is therefore insufficient.

The court takes judicial notice of the records of the Secretaries of State for California and Nevada. There is no Viratech Corp. registered to do business in California. Viratech Corp. is a Nevada corporation with all of its officers listed with a Nevada address. Reviewing the record,

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1 there appears to be no impediment to conducting a judgment debtor examination in Nevada and
2 that a judgment debtor examination in this District is improvident.

3 Accordingly, IT IS HEREBY ORDERED that the judgment debtor examination, set for
4 November 16, 2016, is vacated.

5 Dated: October 26, 2016



6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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