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 ALLY FINANCIAL INC.

9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

11 ALLY FINANCIAL INC., a Delaware
 12 corporation

13 Plaintiff,

14 vs.

15 MICHAEL G. PETERS, an individual,

16 Defendant.

Case No.: 2:15-cv-1522-TLN-KJN

**ORDER GRANTING PLAINTIFF
 ALLY FINANCIAL INC.’S *EX PARTE*
 APPLICATION FOR ORDER
 EXTENDING TIME FOR SERVICE OF
 SUMMONS AND COMPLAINT BY 90
 DAYS FOR SERVICE OF SUMMONS
 AND COMPLAINT BY PUBLICATION**

**LOCAL RULE 144(C)
 F.R.C.P. 4 (M) AND 6(B)**

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1 The *ex parte* application of Plaintiff, ALLY FINANCIAL INC. (“Ally”) hereby applies *ex*
2 for an order extending by 90 days from February 11, 2016 until May 11, 2016, the time for Ally
3 to serve the summons and verified complaint on defendant MICHAEL G. PETERS (“Peters”) and
4 for an order to serve Peters by publication pursuant to Local Rule 144(c), F.R.C.P. 4(m) and
5 F.R.C.P. 6(b) came on for hearing.

6 Based on a review of the *ex parte* application, the memorandum of points and authorities,
7 and as attested to in the declarations of John Demarr, Eleanor M. Roman, Amo Virk, Faheem
8 Moore and Roger Martucci, good cause exists to grant Ally’s application and to extend the
9 deadline. Despite further diligent efforts to serve Peters since November 2015 on 22 different
10 occasions at five different addresses and attempts to locate him through public and private
11 records, public and proprietary databases and a voter registration search, Ally has been unable to
12 serve him except by certified mail, return receipt requested to the Florida address at which he is
13 believed to be residing. This is in addition to the 19 attempts to serve Peters personally at four
14 different addresses made between July 2015 and the date of Ally’s First Ex Parte Application.
15 [Dkt. Nos 5-7.]

16 Now therefore and GOOD CAUSE APPEARING:

- 17 1. Ally’s *ex parte* application is GRANTED.
- 18 2. The deadline for Ally to serve Peters with the Summons and Complaint in this
19 action and including also the Order Requiring Joint Status Report, Notice of Availability of
20 Magistrate Judge and Consent Form, and Notice of Availability of Voluntary Dispute Resolution
21 is hereby extended from February 11, 2016 until May 11, 2016.

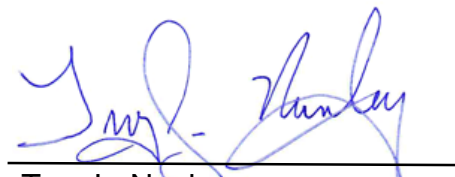
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1 3. Service of the Summons, Complaint, Order Requiring Joint Status Report, Notice
2 of Availability of Magistrate Judge and Consent Form, and Notice of Availability of Voluntary
3 Dispute Resolution (hereinafter collectively, the “Summons and Complaint”) shall be made on
4 defendant Michael G. Peters by publication thereof in the Contra Costa Times, a newspaper of
5 general circulation published in Contra Costa County, California and in the Florida Times Union,
6 newspaper of general circulation published in Duval County, Florida. Said publication be made
7 in each of the foregoing newspapers at least once a week for four successive weeks.

8 4. Service of the Summons, Complaint, Order Requiring Joint Status Report, Notice
9 of Availability of Magistrate Judge and Consent Form, and Notice of Availability of Voluntary
10 Dispute Resolution (hereinafter collectively, the “Summons and Complaint”) shall be made on
11 defendant Michael G. Peters by U.S. Mail if any additional addresses are obtained for him by
12 Ally after the date of this order and before the time prescribed for service on Peters by
13 publication. A declaration of mailing, or the fact that the address was not ascertained must be
14 filed at the expiration of the time prescribed for service by publication.

15 IT IS SO ORDERED.

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17 Dated: February 16, 2016

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21 Troy L. Nunley
22 United States District Judge
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