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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 STARR INDEMNITY COMPANY,

12 Plaintiff,

13 v.

14 JOE'S LOGISTICS INC. d/b/a JOE'S  
15 TRUCKING,

16 Defendant.

No. 2:17-cv-01263-TLN-EFB

**ORDER DENYING APPLICATION**

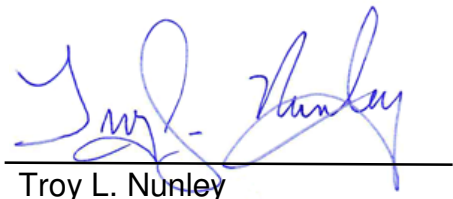
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18 This matter involves an insurance contract with Starr Indemnity where — in exchange for  
19 payment of premiums — insurance was provided for liabilities of Joe's Logistics. Plaintiff Starr  
20 Indemnity ("Plaintiff") filed suit on June 20, 2017. (Compl., ECF No. 1.) On July 20, 2017,  
21 Plaintiff filed an application to allow service of Defendant Joe's Logistics ("Defendant") upon the  
22 California Secretary of State pursuant to California Corporations Code § 1702(a). Plaintiff  
23 presents affidavits from the process server that explains the process server was unable to serve the  
24 corporations agent at his address. (ECF No. 4-4.) The process server attempted service at the  
25 address on nine separate occasions. (ECF No. 4-4 at 2–3.) On two occasions he was able to get  
26 to the front of the residence but on the remaining seven instances the gate to the property was  
27 closed and no one answered when the process server honked his car horn. (ECF No. 4-4 at 2–3.)

28 Federal Rule of Civil Procedure 4(e)(1) allows individuals to serve parties in federal court

1 by “following state law for serving a summons in an action brought in courts of general  
2 jurisdiction in the state where the district court is located or where service is made.” California  
3 law permits a person to serve a corporation through the California Secretary of State when the  
4 agent designated cannot with reasonable diligence be served under California Code of Civil  
5 Procedure § 415.30. Cal. Corp. Code § 1702(a). California Code of Civil Procedure § 415.30  
6 allows a summons to be served by mail. Plaintiff does not state it attempted to serve Defendant  
7 by mail. Accordingly, Plaintiff does not meet the requirements of section 1702(a). Plaintiff’s  
8 application to serve Defendant through the California Secretary of State is hereby DENIED.

9 IT IS SO ORDERED.

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11 Dated: July 24, 2017

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15 Troy L. Nunley  
16 United States District Judge  
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