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8 Attorney for PLAINTIFF:
9 CYNTHIA HOPSON

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 CYNTHIA HOPSON,

14
15 PLAINTIFF,

16
17 v.

18 NASR AHMED ALESHMALI, as an
19 individual and doing business as “Jimmy’s
20 Market”, TIMOTHY J. SPENCER, as an
21 individual and as trustee for The Spencer
22 Family 2015 Revocable Trust, LISA M.
23 SPENCER, as an individual and as trustee for
24 The Spencer Family 2015 Revocable Trust,
25 **THE SPENCER FAMILY 2015**
26 **REVOCABLE TRUST**, and DOES 1-10,
27 inclusive,

28 DEFENDANTS.

**Case No.: 2:17-cv-2084-WBS-
EFB**

**REQUEST FOR
CONTINUANCE OF RULE 26
CONFERENCE AND
[PROPOSED] ORDER
GRANTING THEREOF**

**DATE: March 12th, 2018
Time: 1:30 p.m.
Courtroom: 5**

Judge: Hon. William B. Shubb

PLEASE TAKE NOTICE, on February 5th, 2017, this Court, by the Order of the
Honorable William B. Shubb, scheduled the Rule 26 Status Conference for March

**REQUEST FOR CONTINUANCE OF RULE 26 CONFERENCE AND [PROPOSED] ORDER GRANTING
THEREOF**

1 12th, 2018, at 1:30 p.m., in Courtroom 5, of the Robert T. Matsui United States
2 Courthouse, located at 501 I Street, in Sacramento, California. Daniel Malakauskas,
3 attorney for Plaintiff, Cynthia Hopson, now humbly makes a request that this Court
4 continue the Rule 26 Conference an additional thirty (30) days to allow Plaintiff to
5 effectuate service.
6

7
8 Initially, Plaintiff's Attorney hired the process server company, Modesto Legal
9 Support Services, to serve defendants: Nasr Ahmed Aleshmali; Timothy Spencer; Lisa
10 Spencer; and the Spencer Family 2015 revocable trust.
11

12 Modesto Legal Support Services failed to provide Plaintiff's Attorney with any
13 proof of services or status reports after he placed the order with them.
14

15 On February 6th, 2018, Plaintiff's Attorney emailed Modesto Legal Support
16 Services inquiring as to the status of the service. At, or, around the same time,
17 Plaintiff's Attorney called Modesto Legal Support Services. Plaintiff's Attorney was
18 told that he would receive a call back from the appropriate employee but never
19 received a call back.
20
21

22 On February 14th, 2018, Plaintiff's Attorney emailed Modesto Legal Support
23 Services again inquiring as to the status of service.
24

25 When Plaintiff's Attorney did not receive a response, he called Modesto Legal
26 Support Services sometime thereafter. While on the phone with Modesto Legal
27 Support Services, Plaintiff's Attorney got into an argument with who he assumes was
28

1 a manager. The manager informed Plaintiff's Attorney that they had never received
2 any order from Plaintiff's Attorney and that any lack of service was the fault of
3 Plaintiff's Attorney.
4

5 After the phone call, Plaintiff's Attorney promptly hired the process server
6 company, Valpro Attorney Services, to serve the Defendants. Valpro Attorney
7 Services is currently serving defendants.
8

9 A week and half after the phone call resulting in an argument with Modesto
10 Legal Support Services, Plaintiff's Attorney received a letter from Modesto Legal
11 Support Services. The letter contained a declaration of non-service and diligence.
12

13 The declaration stated that Modesto Legal Support Services had tried to serve
14 defendants, Timothy Spencer, Lisa Spencer, and the Spencer Family 2015 revocable
15 trust at 4220 Gabriel Way, in Modesto, California on the dates: January 12th, 13th, 16th,
16 17th, 19th, 20th, and 21st, 2018. However, all attempts were unsuccessful. In addition,
17
18 despite Plaintiff's Attorney's clear instructions, the process server company did not
19 attempt to serve Nasr Ahmed Aleshmali.
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21

22 While Plaintiff's Attorney was attempting to ensure that all defendants were
23 served with process, Plaintiff's Attorney received a letter from Attorney Bart W.
24 Barringer around February 15th, 2018 (Although the letter was dated February 8th,
25 2018). Attorney Bart W. Barringer informed Plaintiff's Attorney that he represented
26 defendants, Timothy Spencer and Lisa Spencer. Attorney Bart W. Barringer informed
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28

1 Plaintiff's Attorney that his clients had removed the barriers from the property and
2 that the property was fully compliant.

3
4 Plaintiff's Attorney contacted Bart W. Barringer to discuss having a full site
5 inspection to determine the condition of the property and ensure the barriers were
6 removed. The parties agreed to allow Plaintiff's Attorney to have his expert conduct a
7 full site inspection on March 4th, 2018 at 10:00 a.m.
8

9 For these reasons, Plaintiff's Attorney humbly asks the court for an additional
10 thirty (30) days to enact service. Valpro Attorney Services is currently in the process
11 of effectuating service.
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13

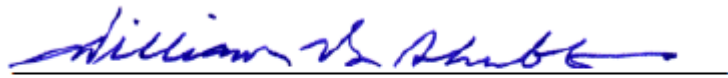
14 Date: February 27th, 2018.

/s/ Daniel Malakauskas
By: DANIEL MALAKAUSKAS
Attorney for PLAINTIFF
CYNTHIA HOPSON

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20 **ORDER**

21 **IT IS HEREBY ORDERED**, that the status conference is continued from
22 March 12th, 2018, at 1:30 p.m. until May 21, 2018 at 1:30 p.m. A Joint Status Report
23 shall be filed by May 7, 2018.

24 Dated: February 27, 2018


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE