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The Chuck Olsen Co., Inc.

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 THE CHUCK OLSEN CO., INC.,

CASE NO. C08-03039 MEJ

11 Plaintiff,

STATUS UPDATE STATEMENT

12 v.

13 MENDOCINO GOLD GIFTS LLC, et al.,

14 Defendants.

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16 On June 25, 2009, the Court issued an order requesting that Plaintiff The Chuck Olsen
17 Co., Inc. ("Olsen") file a statement updating the Court on the status of this action. Olsen
18 respectfully files this Statement in response to the Court's order.

19 1. As the Court is aware, Olsen previously requested the Clerk of the Court to enter
20 default against Defendants. The Clerk declined to enter default, because of an inconsistency in
21 the Proofs of Service filed by Olsen. Specifically, the Proofs of Service on Defendants
22 Alexander Thomas III, Stephen N. Thomas, and Anne I. Thomas state that substituted service
23 was accomplished by serving Joan Bell, the person in charge of defendants dwelling, house,
24 usual place of abode, usual place of business, or usual mailing address. The Proof of Service for

1 Mendocino Gold Gifts LLC, however, shows service on Anne Thomas, Agent for Service, and
2 under “Manner of Service,” the Proof of Service contains the identical statement shown on the
3 individual defendants Proofs of Service: “Manner of Service: Substituted Service . . .” The
4 Clerk of the Court correctly questioned this service.

5 2. Counsel for Olsen just filed a corrected proof of service of the complaint and
6 summons on Defendant Mendocino Gold Gifts. [Docket #18]. When counsel for Olsen
7 discussed the service on Defendants with Attorney’s Diversified, the company that arranged for
8 the service, she was told that the notes in Attorney’s Diversified’s file state that all service on
9 Defendants was accomplished by substituted service on Joan Bell, the person in charge of the
10 Mendocino Gold Gifts LLC office at 3501 Taylor Drive, Ukiah, California, including the service
11 on Mendocino Gold Gifts LLC’s agent for service Anne Thomas. In other words, although the
12 first Proof of Service for Mendocino Gold Gifts LLC does state that the manner of service was
13 “Substituted Service,” the person served was incorrectly typed. [Docket #8, Exhibit A].

14 3. Attorney’s Diversified requested the process server to review his Proof of Service
15 on Mendocino Gold Gifts LLC and, if it was in error, to correct it to state the person who was
16 actually served, which he did. This proof of service was just filed. [Docket #18].

17 4. In addition, Plaintiff filed another Request for Default by the Clerk. [Docket
18 #19]. Assuming that the Clerk enters default, as requested, against all Defendants, Plaintiff will
19 then file a Request for Default Judgment (which has been drafted but not filed). If, for whatever
20 reason the Clerk declines to enter default, Plaintiff will evaluate the reason for the declination
21 and resolve the problem, or it will ask the Court to enter default.

22 5. Counsel for Plaintiff recognizes that this case has been pending entirely too long,
23 and she intends to take whatever steps are necessary to bring it to a conclusion within the next
24

1 two months (or sooner, if possible).

2 I declare under penalty of perjury under the laws of the United States that the foregoing is
3 true and correct.

4 Date: July 9, 2009

RYNN & JANOWSKY, LLP

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By: /s/ Marion I. Quesenbery
MARION I. QUESENBERY
Attorneys for Plaintiff
The Chuck Olsen Co., Inc.

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If the Clerk of Court enters default, Plaintiff shall file a motion for default judgment within 30 days. If the Clerk declines entry of default, Plaintiff shall file a status report within 14 days.

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Date: July 10, 2009

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