

1 an Itasca, Illinois, address for WIIC, and further states that if
2 CLS's designated agent cannot be served due to, among other things,
3 "unavailability," "the Secretary of the Federal Maritime Commission
4 will be deemed to be [CLS's] legal agent for service of process."

5 The Court previously noted that while the FMC printout gives
6 an Itasca address for WIIC, Mitsui served WIIC in Schaumburg,
7 Illinois. Order at 3. Accordingly, the Court deferred ruling on
8 Mitsui's application and ordered Mitsui to file a declaration
9 explaining the discrepancy within fifteen days of the Order. Id.
10 at 4.

11 Ten days later, Mitsui's counsel filed a declaration
12 explaining that WIIC moved from Itasca to Schaumburg sometime
13 before Mitsui's process server first attempted to effect service.
14 ECF No. 79 ("Cicala Decl.") ¶ 6. The process server, knowing about
15 the move, attempted service only at WIIC's Schaumburg address. Id.
16 There, WIIC refused service. Id. Mitsui then attempted to serve
17 CLS through the FMC, which also refused service. Id. ¶ 7.
18 Mitsui's counsel then attempted to confirm WIIC's address by
19 consulting the website for the State of California's Department of
20 Insurance, which provided the same Schaumburg address where WIIC
21 had initially refused service. Id. ¶ 8. Mitsui's counsel directed
22 the process server to make a second attempt in Schaumburg; this
23 time, WIIC accepted service. Id. ¶ 9. Mitsui has filed a proof of
24 service asserting that a copy of the summons and operative
25 complaint were mailed to WIIC at their Schaumburg address on
26 September 26, 2011. Id. (citing ECF No. 66).

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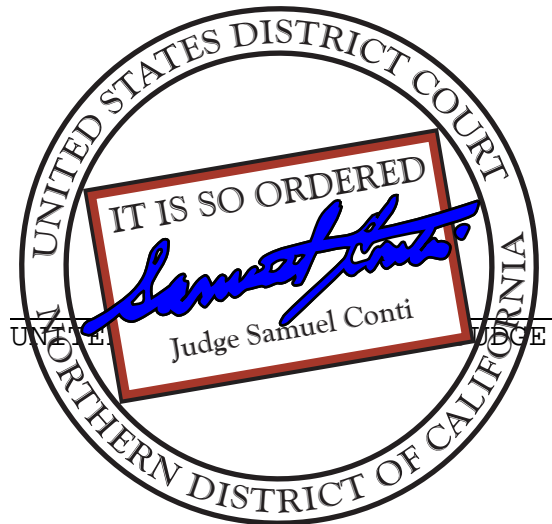
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1 Pursuant to Federal Rule of Civil Procedure 4(h),¹ the Court
2 finds that, by serving CLS's designated agent for service of
3 process and mailing to the agent a copy of the summons and
4 operative complaint, Mitsui perfected service on CLS on September
5 26, 2011. CLS has not served any responsive pleadings or motions
6 within the 21 days provided by Rule 12. Accordingly, the Court
7 finds, pursuant to Rule 55(a), that CLS has failed to plead or
8 otherwise defend.²

9 For the foregoing reasons, the Court hereby ORDERS the Clerk
10 of the Court to enter default against Defendant Centurion Logistics
11 Services, Ltd.

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13 IT IS SO ORDERED.

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15 Dated: January 25, 2012



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23 ¹ Rule 4(h) provides, in pertinent part, that a foreign
24 corporation, partnership, or association may be served in a
25 judicial district of the United States "by delivering a copy of the
26 summons and of the complaint to an officer, a managing or general
agent, or any other agent authorized by appointment or by law to
receive service of process and – if the agent is one authorized by
statute and the statute so requires – by also mailing a copy of
each to the defendant."

27 ² Rule 55(a) provides: "When a party against whom a judgment for
28 affirmative relief is sought has failed to plead or otherwise
defend, and that failure is shown by affidavit or otherwise, the
clerk must enter the party's default."