

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FIDELITY NATIONAL TITLE INSURANCE
COMPANY, *et al.*,

No. C 11-00896 SI

ORDER RE: SERVICE

Plaintiffs,

v.

JAMES CASTLE, *et al.*,

Defendants.

On December 15, 2011, plaintiffs filed an ex parte application with the Court to serve three of the defendants in this action - Carl Wallace, Christopher Michael Piscatelli, and Jennifer Pezzi - by publication in the *Sacramento Bee*. On December 16, 2011, defendants Castle, CCTT Group, CJT Financial Group, and Oreplex International LLC (collectively, "Responding Defendants") filed a response, opposing publication in the *Sacramento Bee* for Wallace and Piscatelli based on the fact the alleged transactions took place outside of Sacramento, and opposing publication generally for Pezzi based on their assertion that she is not living in the United States. The Court issued an order requesting that Responding Defendants file a declaration regarding their knowledge of the defendants' whereabouts. *See* doc. 132. They have since done so. *See* Draper Decl. and Supp. Draper Decl., docs. 134 and 146. The declarations represent that defendants have since discovered and provided plaintiffs with sufficient personal information to serve Wallace and Piscatelli, and provided the city in Australia in which Pezzi resides as well as the organization for which she works. Australia is a party to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965 Hague Service Convention).

The Court finds that defendants have provided plaintiffs with sufficient information to serve the

1 three defendants without resort to publication. Plaintiffs' application is therefore DENIED. If plaintiffs
2 find that they cannot personally serve any of the three defendants, they may reapply for service by
3 publication.

4
5 **IT IS SO ORDERED.**

6
7 Dated: January 25, 2012



8
9

SUSAN ILLSTON
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28