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

COACH, INC.; COACH SERVICES, INC.,)	Case No. 11-2315 SC
)	
Plaintiffs,)	ORDER REGARDING PROOF OF
)	<u>SERVICE</u>
v.)	
)	
DIANA FASHION, an unknown business)	
entity; DIANE DAO, an individual;)	
and DOES 1-10, inclusive,)	
)	
Defendants.)	
)	
)	

Plaintiffs Coach, Incorporated ("Coach") and Coach Services, Incorporated ("Coach Services") (collectively, "Plaintiffs") seek entry of Default Judgment against Defendants Diana Fashion and Diane Dao (collectively, "Defendants"). ECF No. 14 ("App. for Default J."). On October 13, 2011, the Court denied Plaintiffs' Application for Default Judgment on the grounds that (1) the Proofs of Service indicate that "Diana Dao," as opposed to Defendant Diane Dao, was served on June 2, 2011, and (2) the Proofs of Service do not show that the Complaint was served on Defendants. ECF No. 18 ("October 13th Order") at 4. The Court stated that it would reconsider its ruling if, within fifteen days of the October 13th Order, Plaintiffs filed a corrected Proof of Service showing that Defendants were properly served on June 2, 2011, along with a declaration verifying the corrected Proof of Service and describing

United States District Court
For the Northern District of California

1 the filing error relative to the original Proof of Service. Id. at
2 4-5.

3 Plaintiffs subsequently filed Corrected Proofs of Service
4 indicating that Defendant Diane Dao had been served with the
5 Summons by Robina Alves ("Alves"), a registered California process
6 server, on June 2, 2011. ECF Nos. 19, 20 ("Corrected Proofs of
7 Service"). The Corrected Proofs of Service, like the original
8 Proofs of Service, do not indicate that the Complaint was served on
9 Defendants. Plaintiffs' attorney, Cindy Chan ("Chan"), declares
10 that Dao had been personally served with the Summons and Complaint
11 on June 2, 2011 and that Dao's name had been spelled incorrectly on
12 the Proofs of Service initially filed with the Court. ECF No. 21
13 ("Chan Decl."). It is unclear how Chan could have direct and
14 personal knowledge of these facts as Alves, not Chan, served Dao.
15 Accordingly, Plaintiffs' service of process continues to appear
16 defective.

17 The Court GRANTS Plaintiffs leave to file an affidavit or
18 declaration from Robina Alves indicating that a copy of the
19 Complaint and Summons were served on Defendants on June 2, 2011.
20 If, within fifteen days of this Order, Plaintiffs are unable to
21 demonstrate that Defendants were in fact properly served on June 2,
22 2011, then the Court will not reconsider its October 13th Order and
23 Plaintiffs Motion for Default Judgment shall remain DENIED.

24

25 IT IS SO ORDERED.

26

27 Dated: October 21, 2011

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UNITED STATES DISTRICT JUDGE