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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11	ALBERT DYTCH,)	No. 3:16-CV-01050-WHA
12	Plaintiff,)	
13	vs.)	PLAINTIFF’S REQUEST FOR
14	LAT RESTAURANT, INC., dba BISSAP)	ADMINISTRATIVE RELIEF FROM
15	BAOBAB OAKLAND; RAYMOND KWOK)	SERVICE DEADLINE (Local Rule 7-11);
16	CHAN; IVY SHEUNG LIN LO,)	[PROPOSED] ORDER
17	Defendant.)	
18)	

19
 20 **WHEREAS**, on March 2, 2016, Plaintiff, Albert Dytch (“Plaintiff”), filed the instant
 21 action alleging claims under Title III of the Americans with Disabilities Act of 1990 and
 22 parallel California law (ECF No. 1). On March 3, 2016, a Scheduling Order under General
 23 Order 56 was issued (ECF No. 5) (“Scheduling Order”). The Scheduling Order required that
 24 all defendants be served with the complaint no later than May 2, 2016;

25 **WHEREAS**, on March 4, 2016, Plaintiff delivered to County Process Service, Inc.
 26 (“the process server”) the Summons and Complaint for service on the registered agent for
 27 service of Defendant Lat Restaurant, Inc., dba Bissap Baobab Oakland, Marc O. Senghor (“the
 28 Agent”), at the address registered with the Office of the Secretary of State, 2319 Mission

PLAINTIFF’S REQUEST FOR ADMINISTRATIVE RELIEF FROM SERVICE DEADLINE;
 [PROPOSED] ORDER

1 Street, in the city of San Francisco (Declaration of Tanya E. Moore, filed herewith (Moore
2 Decl., at ¶2-3).

3 **WHEREAS**, the process server attempted service on the agent on nine separate dates
4 and times, without success, at the address registered with the Office of the Secretary of State
5 (Moore Decl., ¶3).

6 **WHEREAS**, based upon Plaintiff's counsel's review of public records, she determined
7 that Lat Restaurant, Inc.'s business address is 381 15th Street, in Oakland, California (Moore
8 Decl., ¶4).

9 **WHEREAS**, on April 15, 2016, Plaintiff requested the process server to serve the
10 agent at the business address (Moore Decl., ¶5). On April 27, 2016, the agent was served by
11 substituted service, by handing the documents to a person apparently in charge at the business.
12 Attached hereto as Exhibit "A" is a true and correct copy of the Proof of Service;

13 **WHEREAS**, on April 27, 2016, the Summons and Complaint were mailed to Lat
14 Restaurant, Inc., dba Bissap Baobab Oakland at the business address where the Summons and
15 Complaint were served (Moore Decl, ¶5).

16 **WHEREAS**, service of the Summons and Complaint is deemed complete on the 10th
17 day following the mailing of the documents to the party at the address in which the substitute
18 service was effected under California Code of Civil Procedure section 415.20(b)¹. Therefore,
19 the effective date of service is May 7, 2016, which date is beyond the deadline the Court set for
20 Plaintiff to effect service.

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28 ¹Rule 4(e) of the Federal Rules of Civil Procedure provides that the summons may be served "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made."

1 **NOW, THEREFORE**, for the reasons set forth above, Plaintiff respectfully requests
2 that he be given to and including May 9, 2016 to procedurally effect service of his Complaint
3 on Lat Restaurant, Inc., dba Bissap Baobab Oakland and to file the proof of service.
4

5 Dated: May 2, 2016

MOORE LAW FIRM, P.C.

6
7 /s/ Tanya E. Moore
8 Tanya E. Moore,
9 Attorney for Plaintiff,
10 Albert Dytch


11 **ORDER**

12 Upon request of Plaintiff for administrative relief and good cause appearing,

13 **IT IS HEREBY ORDERED** that the Scheduling Order in this matter filed March 2,
14 2016 (ECF No. 5) be amended to continue the last day by which Plaintiff must serve the
15 Complaint on defendant Lat Restaurant, Inc., dba Bissap Baobab Oakland from May 2, 2016 to
16 May 9, 2016.
17

18 **IT IS SO ORDERED.**

19
20 Dated: May 3, 2016.

21 
22 WILLIAM ALSUP
23 United States District Judge
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