

United States District Court
For the Northern District of California

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

CARRIE GOFRON, et al.,
Plaintiffs,
v.
PICSEL TECHNOLOGIES, INC., et al.,
Defendants.

No. 09-04041 CW
ORDER ON
PLAINTIFFS' PLAN
FOR SERVICE

_____ /

On October 12, 2010, the Court granted Plaintiffs Carrie Gofron, et al., an additional sixty days to serve their complaint on Defendants Picstel Technologies, Inc. (PTI) and Hamsard Limited. The Court's Order directed Plaintiffs to file a plan for serving these Defendants, which Plaintiffs timely filed.

Plaintiffs' explanation of how they intend to effect service is inadequate. Although they identify the legal authority under which they intend to serve PTI and Hamsard, they do not offer any dates by which they will take steps to attempt to effect service. Indeed, their proposed methods of service require additional orders from the Court.

Plaintiffs propose to serve PTI pursuant to California Corporations Code section 1702(a), which requires a court order authorizing service on PTI through the California Secretary of State. Such an order will issue only if Plaintiffs establish, through an affidavit, "that process against a domestic corporation cannot be served with reasonable diligence" under California Code of Civil Procedure sections 416.10(a)-(c) or 416.20(a). "Service

1 in this manner is deemed complete on the 10th day after delivery of
2 the process to the Secretary of State." Cal. Corp. Code § 1702(a).
3 Plaintiffs do not state when they intend to file their affidavit of
4 reasonable diligence with the Court.

5 Plaintiffs intend to serve Hamsard by employing "accepted
6 procedures for service in Guernsey, or particular methods
7 authorized under the Hague Convention." Plaintiffs indicate that
8 they might serve Hamsard through letters rogatory, an approach
9 countenanced by the Hague Convention. Such letters, however, must
10 be obtained from the Court. Plaintiffs do not state when they will
11 request letters rogatory, if they intend to do so.

12 Because Plaintiffs' proposed methods of service require
13 additional action by the Court, they shall, by November 10, 2010,
14 file any request for an order necessary to effect service.
15 Further, within three days of the date of this Order, Plaintiffs
16 shall file a more detailed plan that explains how they intend to
17 effect service and, in particular, provides dates by which they
18 will take the steps necessary to fulfill their plan.

19 IT IS SO ORDERED.

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21 Dated: 10/29/2010



CLAUDIA WILKEN
United States District Judge

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