

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

PRINCETON DEVELOPMENTS, LLC,

Plaintiff,

v.

BRYNEE K. BAYLOR; BAYLOR &
JACKSON, PLLC; THE MILAN GROUP,
INC.; FRANK LORENZO; GPH
HOLDINGS, LLC; and PATRICK LEWIS,

Defendants.

No. C 11-4471 CW

ORDER GRANTING
PLAINTIFFS' MOTION
TO ALLOW SERVICE
BY PUBLICATION
UPON DEFENDANT
DAWN JACKSON
(Docket Nos. 102
in 11-4471 and 89
in 11-4472),
ADDRESSING
DEFENDANT MIA
BALDASSARI'S
FAILURE TO ANSWER
IN 11-4471 AND
CONTINUING CASE
MANAGEMENT
CONFERENCE

KUMAN BANQUE, LLC,

Plaintiff,

v.

BRYNEE K. BAYLOR; BAYLOR &
JACKSON, PLLC; THE MILAN GROUP,
INC.; and FRANK LORENZO,

Defendants.

No. C 11-4472 CW

On September 21, 2012, Plaintiffs Princeton Development, LLC and Kuman Banque, LLC moved this Court for an order allowing them an additional thirty days within which to effect service on Dawn Jackson. The supporting declaration explained the prior efforts taken and the reason why Plaintiff believed that thirty days would be sufficient. This Court granted the motion and set October 24, 2012 as the last day on which Plaintiffs could serve Jackson.

United States District Court
For the Northern District of California

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1 On October 22, 2012, Plaintiffs moved this Court for the
2 second time for an order extending time for service and allowing
3 them to accomplish service on Jackson by publication.¹ In his
4 supporting declaration, Harold Lloyd, Plaintiffs' Maryland process
5 server, described his nine attempts at Jackson's home including a
6 stakeout and his total inability, since September 10, 2012, to get
7 her to come to the door so that he could drop the papers in her
8 view.

9 According to the First Amended Complaints (1ACs), Jackson is
10 an attorney and at the time of the alleged fraud and legal
11 malpractice, the law partner of Brynee Baylor, another Defendant
12 in this action. Based on Lloyd's declaration, it appears that
13 Jackson is taking extraordinary steps to avoid service and
14 publication appears to be the only way to effect service.

15 Accordingly, for good cause shown, Plaintiffs' joint motion
16 is GRANTED (Docket Nos. 102 in 11-4471 and 89 in 11-4472).
17 Plaintiffs shall complete service by publication pursuant to
18 California law by no later than November 30, 2012 or the claims
19 against Jackson will be dismissed. Plaintiffs shall file proof of
20 service upon Jackson no later than December 5, 2012.

21 The Court hereby CONTINUES the October 31, 2012 further case
22 management conference to Wednesday, January 23, 2012, at 2:00 p.m.

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26 ¹ Plaintiffs are reminded that, pursuant to Civil Local Rule
27 5-1(g), they are required to submit their proposed orders in an
28 approved processing format, such as Word, Word Perfect or ASCII
text, to the Court's proposed order email address,
CWpo@cand.uscourts.gov, in addition to filing their proposed
orders in PDF format in the docket of these cases.

1 The Court notes that, after the Clerk entered default as to
2 Defendant Mia Baldassari in the Princeton Developments action,
3 Baldassari filed a motion for permission to appear by telephone at
4 the case management conference in both of the above-captioned
5 cases. The Court informs Baldassari that she is currently in
6 default in the Princeton Developments action and that, if she
7 wishes to defend the claims asserted against her in that case, she
8 must make a motion to set aside the entry of default and show good
9 cause to do so under Federal Rule of Civil Procedure 55(c).² If
10 Baldassari makes such a motion, she is ordered to file it within
11 the next two weeks and notice it for hearing on Jan. 23, 2013 at 2
12 p.m., and to attach to her motion her proposed answer to the 1AC
13 in the Princeton Developments action.

14 IT IS SO ORDERED.

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16 Dated: 10/29/2012

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19 CLAUDIA WILKEN
20 United States District Judge
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28 ² Baldassari has answered the operative complaint in the
Kuman Banque action. Docket No. 78 in 11-4472.