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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,
v.
ALI BOZORGHADAD, et al.,
Defendants.

Case No. [17-cv-06536-HSG](#)**ORDER TO SHOW CAUSE**

Plaintiff Scott Johnson filed this action on November 10, 2017, against Defendants Ali Bozorghadad, Parisa Bozorghadad, and Bay Area Auto Care, Inc. for violations of the Americans with Disabilities Act and the California Unruh Civil Rights Act. See Dkt. No. 1. Plaintiff contends that the individual Defendants owned the real property located at 1198 El Camino Real, Sunnyvale, California, and Defendant Bay Area Auto Care owned the Alliance Gas business located at the same address. See *id.* at ¶¶ 2–11. After almost two years, Plaintiff moved for default judgment as to Defendants. See Dkt. No. 24. This Court adopted Magistrate Judge Susan Van Keulen’s report and recommendation denying the motion due to improper service of process. See Dkt. No. 30. The Court then held a telephonic case management conference during which the Court directed Plaintiff to effectuate proper service on all Defendants by April 24, 2020. See Dkt. No. 34.


On April 24, Plaintiff filed three proofs of service purporting to serve Defendants. See Dkt. Nos. 38–40. As of the date of this order, Defendants have not appeared in this action. And in reviewing the proofs of service, the Court remains concerned that Defendants have not been properly served. The proofs are virtually identical: All three Defendants appear to have been served via substituted service on April 23, 2020, at 700 S. Bernardo Avenue, Suite 103, in

1 Sunnyvale, California. Id. From the accompanying documentation, this appears to be the address
 2 for a gas station called “Hadad Enterprise, Inc.,” an entity that is not a party in this action. Id.
 3 From a printout from the California Secretary of State website that Plaintiff provided, Defendant
 4 Ali Bozorghadad appears listed as the agent for service of process for Hadad Enterprise, Inc. But
 5 in email correspondence from the process server, she explained that “this is a bad address” and
 6 asked for a different address. Id. The process server also noted that she spoke to someone at the
 7 business on April 3 “who said he does not know the defendant,” and another person on April 15
 8 who “said the defendant is not here.” Id. Yet nevertheless, on April 23, for all three Defendants
 9 the process server “serv[ed] personally Jane Doe who identified herself as person in charge.
 10 Middle Eastern female, 40 yrs. Old, 5’6”, 130 lbs, black hair.” See id. The Court understands that
 11 Plaintiff may have had some difficulty serving Defendants in this action. Nevertheless, the Court
 12 remains concerned about this vague identification of the purported person in charge at a business
 13 that is not a party to this action.

14 Under Federal Rule of Civil Procedure 4(m), a plaintiff must serve each defendant with a
 15 summons and complaint within ninety days of filing the complaint. See Fed. R. Civ. P. 4(m). At
 16 this point, Plaintiff has had ample time to properly serve Defendants—over two years—but has
 17 failed to do so. Accordingly, the Court **ORDERS** Plaintiff to **SHOW CAUSE** why the case
 18 should not be dismissed for failure to serve Defendants as required by Rule 4(m). Plaintiff is
 19 directed to file his response, of two pages or less, by May 28, 2020.

20 **IT IS SO ORDERED.**

21 Dated: 5/26/2020

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 23 HAYWOOD S. GILLIAM, JR.
 24 United States District Judge