

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Darla Padgett, et al.,  
Plaintiffs,  
v.  
Brian Loventhal, et al.,  
Defendants.

NO. C 04-03946 JW

**ORDER RE: SERVICE OF LISA RICE  
THROUGH PUBLICATION; LAST DATE  
FOR HEARING ON DEFAULT  
JUDGMENT**

On October 16, 2008, the Court granted Plaintiffs’ Motion seeking to serve Defendant Lisa Rice through publication regarding Plaintiffs’ anticipated motion for default judgment against Defendant Rice. (See October 16, 2008 Order, hereafter, “October 16 Order,” Docket Item No. 58.) Under Cal. Code Civ. Proc. § 415.50(b), the Court must name the newspapers in which service is to be published. Accordingly, in its October 16 Order, the Court ordered Plaintiffs to submit for approval recommended publications. (October 16 Order at 3.)

On November 17, 2008, Plaintiffs submitted a list of publications circulated in the area of Defendant Rice’s last known address. (See Docket Item No. 561.) Plaintiffs recommend publication in both the San Jose Post Record, a daily publication, and the Santa Clara Weekly, a weekly publication. (Id.)

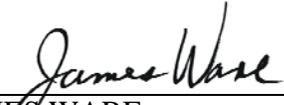
Accordingly, the Court orders as follows:

- (1) Plaintiffs’ last date for hearing a motion for default judgment against Defendant Rice shall be **March 23, 2009.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (2) Plaintiffs shall publish the summons and notice of Plaintiffs' motion for default judgment, including the hearing date, in the San Jose Post Record and Santa Clara Weekly pursuant to Cal. Gov't Code § 6064.
- (3) Plaintiffs shall mail a copy of the summons, the Third Amended Complaint, the Court's October 16, 2008 Order and Plaintiffs' Motion for Default Judgment against Defendant Lisa Rice to Defendant Rice's last known address and any subsequent addresses discovered by Plaintiffs.

Dated: January 9, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Andrew Vinson Stearns [astearns@loboinc.com](mailto:astearns@loboinc.com)  
3 Joseph C. Howard [jhoward@hrmlaw.com](mailto:jhoward@hrmlaw.com)  
4 M. Jeffery Kallis [M\\_J\\_Kallis@Kallislaw.org](mailto:M_J_Kallis@Kallislaw.org)  
5 Thomas H R Denver [tdenver@mediationmasters.com](mailto:tdenver@mediationmasters.com)

6 **Dated: January 9, 2009**

**Richard W. Wieking, Clerk**

7 By:           /s/ JW Chambers            
8 **Elizabeth Garcia**  
9 **Courtroom Deputy**

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28