

United States District Court
For the Northern District of California

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E-FILED on 3/20/09

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

GARDEN CITY BOXING CLUB, INC.,
Plaintiff,
v.
JAIME NORBERTO AND MARIA
NORBERTO, individually and d/b/a CASA
MARIA a/k/a TIO TONO RESTAURANT,
Defendants.

No. C-06-05665 RMW

ORDER GRANTING PLAINTIFF'S MOTION
FOR AUTHORIZATION OF A PROCESS
SERVER TO LEVY EXECUTION
PURSUANT TO C.C.P. SECTION 699.080

Re Docket No. 27

On April 23, 2007 this court granted the motion for default judgment by plaintiff Garden City Boxing Club, Inc. and against defendants Jaime Norberto and Maria Norberto, Individually and d/b/a Casa Maria a/k/a Tio Tono Restaurant. Docket No. 24. (April 23, 2007). On April 23, 2007 this court also granted a judgment in favor of plaintiff and ordered defendants to pay to plaintiff \$6,000 plus reasonable attorneys' fees and costs. Docket No. 25. (April 23, 2007). This judgment remains unsatisfied in part or in whole. Decl. of David J. Cook ¶ 2. Plaintiff now moves for authorization to use a process server in lieu of the United States Marshall to levy and execute the judgment under C.C.P. section 699.080.


1 California Code of Civil Procedure section 699.080 provides that "[a] registered process
2 server may levy under a writ of execution for [certain types of property.]" The process server's
3 authority is "limited to cases where the levy does not involve the possibility of taking immediate
4 possession of property." Legislative Committee (Assembly) and Law Rev. Com. Comments to
5 C.C.P. 699.080.

6 Defendants have filed no opposition to the motion and the court finds that authorizing a
7 registered process server to levy execution pursuant to C.C.P. 699.80 will not prejudice defendants.
8 Further, Plaintiff has provided a copy of the proposed process server's current registration.
9 Accordingly, the court authorizes DDS Legal Support System/VSC Attorney Service to perform the
10 duties of a levying officer in compliance with the requirements of the California Code of Civil
11 Procedure.

12 **ORDER**

13 For the foregoing reasons, the court grants Plaintiff's motion for authorization to use a
14 process server in lieu of the United States Marshall to levy and execute the judgment.

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16 DATED: 3/17/09



RONALD M. WHYTE
United States District Judge

