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

GARY W. HAYNIE,  
Plaintiff,  
v.  
DOWNTOWN SUPERIOR COURT, et al.,  
Defendant.

**\*E-FILED - 10/8/09\***

CASE NO.: C-08-05457-RMW

ORDER RE: FURTHER PROCEEDINGS

This matter came before the court on June 26, 2009 for an initial Case Management Conference. Plaintiff Gary W. Haynie appeared. There was no appearance by, or on behalf of, defendants. Plaintiff indicated he had properly served defendants and requested entry of default which the clerk of this court had previously declined. The court indicated that it would review the file and determine whether proper service had been made and whether default should be entered. It appears, despite plaintiff's efforts to do so, that proper service has not been made personally on defendant Peyton Schuler or on the County (Superior Court). Fed. R. Civ. P. 4(e) and 4(j). It does not appear that Schuler was personally served or served by other means authorized by law. Nor does it appear that the County's chief executive officer (as opposed to the court's executive officer) was served. Plaintiff should also note that service may be made by anyone who is at least 18 years old but *not a party* to the case. Because plaintiff has in good faith attempted to serve the defendants, the court will extend the deadline for service to October 30, 2009. Assuming proper service is made, the Case Management Conference will be held on **January 15, 2010 at 10:30 a.m.** Plaintiff must advise defendants of the date and time for the Case Management Conference.

DATED: 10/8/09



RONALD M. WHYTE  
United States District Judge

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Copy of Order Mailed on 10/8/09 to:

**Gary W. Haynie**  
545 Sobrato Drive  
Campbell, CA 95008-4631

*Pro Se Plaintiff*