

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

R. ALEXANDER ACOSTA, SECRETARY
OF LABOR,

V.

ZHAO “JENNY” ZENG HONG,

Defendant/Judgment Debtor,

V.

LEE SMART, P.S., INC.,

Garnishee.

Case No. MC17-0072RSL

SECOND ORDER DECLINING TO
ENTER JUDGMENT ON
GARNISHEE'S AMENDED ANSWER

On September 21, 2017, the Court declined to enter judgment in this matter because there was no evidence that plaintiff served the defendant/judgment debtor with a copy of the writ and accompanying instructions. In response, plaintiff filed a certificate of service dated July 21, 2017, in the hopes of correcting the deficiency. Dkt. # 13-1. The certificate is insufficient to establish service, however. Counsel avers that she caused Ryan Neumann to personally serve the documents by hand delivery. Giving a document to a process server is not evidence that process was actually served, nor does the certificate indicate who received the documents. Counsel's statement regarding service by mail is written entirely in the passive voice. It is therefore unclear whether the declarant has personal knowledge of the mailing. The Court declines to assume that

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statutory notice was given when the statements regarding service are made without personal knowledge and/or are unnecessarily ambiguous. The Court again declines to enter judgment in this matter.

Dated this 27th day of September, 2017.

Mrs Casnik

Robert S. Lasnik
United States District Judge