

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TIM DONNALS, as father and next friend)
of Bryan Donnals, a minor,)
)
Plaintiff,)
)
v.)
)
VICOO INDUSTRY, INC.,)
)
Defendant.)

Case No. 12-cv-00206-GPM-DGW

ORDER

Pending before the Court is a Motion to Serve Defendant Vicoo through California Secretary of State filed by Plaintiff Tim Donnals, as father and next friend of Bryan Donnals, a minor (Doc. 11). Plaintiff contends that he has been unable to personally serve Defendant Vicoo Industry Inc.’s designated agent for service of process in California, and thus moves this Court for authorization to perfect service of process on Defendant by serving the California Secretary of State (Doc. 11-1).

Under Federal Rule of Civil Procedure 4(h), a corporation may be served as in the manner prescribed by Rule 4(e)(1) for serving an individual, “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made . . .” Fed. R. Civ. P. 4. According to the records of the California Secretary of State, Defendant Vicoo Industry, Inc. is a corporation organized under California law that has been administratively dissolved.¹ See www.sos.ca.gov. California law allows for court-authorized substituted service of process on a domestic corporation via service

¹ A court may judicially notice public records and government documents, including those available from reliable sources on the Internet. See e.g., *Bova v. U.S. Bank, N.A.*, 446 F.Supp.2d 926, 930 n.2 (S.D. Ill. 2006)

on the California Secretary of State when the corporation's registered agent cannot, despite diligent efforts, be personally served. Cal. Corp. Code § 1702 (a).

Plaintiff has demonstrated reasonable diligence in his attempt to personally serve process. Accordingly, Plaintiff's motion is **GRANTED**. The Court hereby **ORDERS** that service be made upon Defendant Vicoo Industry Inc., by delivering by hand to the California Secretary of State or an assistant or deputy secretary of state, a summons or other process and a copy of this Order authorizing service pursuant to Cal. Corp. Code § 1702 (a).

IT IS SO ORDERED.

DATED: April 11, 2012



DONALD G. WILKERSON
United States Magistrate Judge