

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Oscar Ramos v. Baja Cali Inc., et al.

Oscar Ramos v. Baja Cali Inc., No. 25-cv-05896-JCS (N.D. Cal. Nov. 3, 2025) · No. 25-cv-05896-JCS · Decided November 3, 2025

SUMMARY

The United States District Court for the Northern District of California denied without prejudice Plaintiff Oscar Ramos's application to serve the summons and complaint by publication on Gerasimos Georgopoulos and Gerasimoula Georgopoulos. The court held that the submitted declarations did not establish reasonable diligence under California Code of Civil Procedure section 415.50 and directed Plaintiff to provide additional information regarding alternative addresses and the proposed publication.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Joseph C. Spero
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 3, 2025
DOCKET	25-cv-05896-JCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff applied for leave to serve the summons and complaint by publication on two defendants after unsuccessful personal-service and registered-mail attempts.
STANDARD OF REVIEW	The court evaluated whether the submitted affidavits established the statutory prerequisites for service by publication, including reasonable diligence and the existence of a cause of action.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value

TOPICS

- service of process
- civil procedure
- public accommodations discrimination

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established under Federal Rule of Civil Procedure 4(e)(1) and California Code of Civil Procedure section 415.50 that the Georgopoulos defendants could not be served with reasonable diligence in another authorized manner.
2. Whether Plaintiff sufficiently established that a cause of action existed against the Georgopoulos defendants for purposes of service by publication.

HOLDINGS

1. Plaintiff sufficiently established the existence of a cause of action because the complaint alleged that the Georgopoulos defendants owned the real property on which the alleged Americans with Disabilities Act violation occurred.
2. Plaintiff did not establish reasonable diligence under California Code of Civil Procedure section 415.50 because the declarations did not state whether searches revealed alternative addresses or whether additional attempts were made at any such addresses.

KEY QUOTATIONS

“Rule 4(e)(1) allows for service “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.”” (at 1)

“The Court finds, however, that the declarations of counsel and the process server are not sufficient to demonstrate “reasonable diligence” under section 415.50.” (at 1)

FACTUAL BACKGROUND

Multiple attempts were made to personally serve the Georgopoulos defendants at a gated property in Yuba City, California, but process servers could not gain access. A registered-mail package sent to the same address was returned unclaimed. Plaintiff's counsel and the process server conducted searches and concluded that the defendants owned the property and that it was the most likely place they lived, but the declarations did not identify whether alternative service addresses had been discovered or investigated.

PROCEDURAL HISTORY

Plaintiff filed an application under Federal Rule of Civil Procedure 4 and California Code of Civil Procedure section 415.50 to serve Defendants Gerasimos Georgopoulos and Gerasimoula Georgopoulos by publication. The court found that Plaintiff had sufficiently alleged the existence of a cause of action but denied the application without prejudice because the submitted declarations did not establish reasonable diligence in attempting service.

DISPOSITION

other

REMAND INSTRUCTIONS

The application was denied without prejudice. A renewed application should include a more detailed declaration establishing reasonable diligence, identify any alternative addresses discovered and the unsuccessful attempts made at those addresses, identify the proposed publication, and provide a supporting declaration explaining why the publication satisfies California Code of Civil Procedure section 415.50.

CASES CITED

- Macias v. Fasail, No. 19-CV-00728-LHK, 2021 WL 2719297, at *6 (N.D. Cal. July 1, 2021)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
OSCAR RAMOS, 7 Case No. 25-cv-05896-JCS Plaintiff, 8 ORDER DENYING WITHOUT v.
PREJUDICE APPLICATION TO 9 SERVE THE SUMMONS AND BAJA CALI INC., et al.,
COMPLAINT BY PUBLICATION ON 10 DEFENDANTS GERASIMOS Defendants.
GEORGOPOULOS AND 11 GERASIMOULA GEORGOPOULOS 12 Re: Dkt. No. 7 13 14
Plaintiff has filed an application to serve the summons and complaint by publication on 15
Defendants Gerasimos Georgopoulos and Gerasimoula Georgopoulos (“the Georgopoulos 16
defendants”).

Dkt. no. 7. According to counsel’s declaration, multiple unsuccessful attempts have 17 been made
to personally serve the Georgopoulos defendants at their address in Yuba City, 18 California. See
MacBride Decl. ¶¶ 2-5.

The process servers who made these service attempts 19 stated that the property is gated and
therefore they were unable to gain access to personally serve 20 the Georgopoulos defendants.
Ronalds Decl. ¶ 6 and attached Non-Service Reports. Plaintiff’s 21 counsel also attempted to serve
the summons and complaint by registered mail to the same address 22 but the package was
returned as unclaimed.

MacBride Decl. ¶ 7. 23 Service of a complaint in federal court is governed by Federal Rule of
Civil Procedure 4. 24 Rule 4(e)(1) allows for service “following state law for serving a summons
in an action brought in 25 courts of general jurisdiction in the state where the district court is
located or where service is 26 made.” Fed. R. Civ. P. 4(e)(1).

Under California Code of Civil Procedure § 415.50, “[a] summons 27 may be served by
publication if upon affidavit it appears to the satisfaction of the court in which 1 the action is
pending that the party to be served cannot with reasonable diligence be served in 2 another manner
specified in this article and that,” as relevant here, “[a] cause of action exists 3 against the party.”
Cal. Code Civ.

Proc. § 415.50. 4 The second requirement has been satisfied as Plaintiff alleges in the complaint that the 5 Georgopoulos defendants are the real property owners of the business that is alleged to be in 6 || violation of the Americans with Disabilities Act in this case. Compl. 43; see also Macias v. 7 || Fasail, No. 19-CV-00728-LHK, 2021 WL 2719297, at *6 (N.D.

Cal. July 1, 2021) (finding 8 similar allegations sufficient to establish that a cause of action existed for the purposes of Cal. 9 Code Civ. Proc. § 415.50). The Court finds, however, that the declarations of counsel and the 10 || process server are not sufficient to demonstrate “reasonable diligence” under section 415.50.

In 11 particular, although Ronalds states in his declaration that he performed various searches and 12 || concluded that the Georgopoulos defendants own the property at the Yuba City address where the 5 13 service attempts were made and that that address was “the most likely place that they live[,]” he 14 || does not state whether his searches turned up alternative addresses where the Georgopoulos 3 15 || defendants might be served.

Therefore, the Application is DENIED without prejudice to refiling 16 || with a more detailed declaration establishing that Plaintiff has used reasonable diligence and either 3 17 has been unable to determine any other address where the Georgopoulos defendants can be served 18 or that Plaintiff has made additional attempts to serve the Georgopoulos defendants at any 19 || alternative addresses Plaintiff's investigation has uncovered and has been unsuccessful in serving 20 || them.

In his renewed application, Plaintiff should also identify the publication in which he seeks 21 to publish the summons and supply a supporting declaration addressing why that publication 22 || meets the requirements of Cal. Code Civ. Proc. § 415.50. 23 IT IS SO ORDERED. 24 25 Dated: November 3, 2025 J PH C. SPERO 27 nited States Magistrate Judge 28