

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PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value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)

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