

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Menon v. Geovera Holdings, Inc.

No. 2:24-CV-01819-TLN-SCR (E.D. Cal. July 3, 2025) · No. 2:24-CV-01819-TLN-SCR · Decided July 3, 2025

SUMMARY

This proposed order addresses substitute service of a Federal Rule of Civil Procedure 45 subpoena on third-party witness Qudsia Omar. Based on repeated unsuccessful personal-service attempts and alleged evasion, the court authorizes service by certified mail.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 3, 2025
DOCKET	2:24-CV-01819-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought authorization to serve a Rule 45 subpoena on a third-party witness by an alternative method after unsuccessful attempts at personal service.
PRECEDENTIAL VALUE	unknown

TOPICS

- service of process
- civil procedure
- contempt
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the court should authorize substitute service of a Rule 45 subpoena by certified mail after diligent but unsuccessful attempts at personal service.

HOLDINGS

1. After personal service was attempted and the third-party witness apparently evaded service, the court authorized plaintiff to serve the subpoena by certified mail.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 45(b)(1) states that “[s]erving a subpoena requires delivering a copy to the named person....” (at 1)

“Because personal service was attempted but the witness apparently evaded service, the Court authorizes Plaintiff to serve Ms. Omar via certified mail.” (at 1)

FACTUAL BACKGROUND

Plaintiff sought to depose Qudsia Omar and serve her with a subpoena under Federal Rule of Civil Procedure 45. The initial service attempt failed because defendants had provided an incorrect address, but plaintiff located another address through public-record databases. A process server attempted service four times; although Omar confirmed that she lived at the address, she refused to accept service until consulting an attorney and then allegedly evaded service attempts for five days.

PROCEDURAL HISTORY

Plaintiff noticed the deposition of Qudsia Omar and attempted to serve her with a subpoena and document demand. After an incorrect address was supplied in defendants' initial disclosures, plaintiff located an alternative address and attempted personal service four times; Omar allegedly refused to accept service and evaded subsequent attempts. The court authorized service by certified mail.

DISPOSITION

other

CASES CITED

- Fujikura Ltd. v. Finisar Corp., 2015 WL 5782351, at *5 (N.D. Cal. Oct. 5, 2015)
- Chambers v. Whirlpool Corp., 2016 WL 9451361, at *2 (C.D. Cal. Aug. 12, 2016)
- Steve McCurry Studios, LLC v. Web2Web Mktg., Inc., 2014 WL 1877547, at *2 (N.D. Cal. May 9, 2014)
- CNC Software, LLC v. Glob. Eng'g Ltd. Liab. Co., 2022 WL 4137585, at *1 (N.D. Cal. Aug. 2, 2022)
- Pennwalt Corp. v. Durand-Wayland, Inc., 708 F.2d 492, 494 n.5 (9th Cir. 1983)

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