

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lynk Media LLC v. Taylor

Lynk Media · No. 2:24-cv-02706-DJC-AC · Decided May 1, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Lynk Media LLC's request to serve Deon Taylor by substitute service through someone in charge at Hidden Empire Films, LLC or its registered agent. The court denies without prejudice the request for alternative service through Taylor's Instagram account and grants Plaintiff 30 days to effect service or renew its motion.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 1, 2025
DOCKET	2:24-cv-02706-DJC-AC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to use substitute service, alternative service through the defendant's Instagram account or an associated business, and an enlargement of time to effect service.
STANDARD OF REVIEW	The Court evaluated whether Plaintiff demonstrated reasonable diligence for substitute service under California law and whether the proposed Instagram-based alternative service was reasonably calculated to provide notice.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown.
PARTIES	Lynk Media LLC v. Deon Taylor

TOPICS

service of process civil procedure

PRACTICE AREAS

civil procedure commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated reasonable diligence sufficient to permit substitute service under California Code of Civil Procedure section 415.20(b).
2. Whether service through Taylor's Instagram account or through an associated company's personnel or registered agent was appropriate as alternative service at that stage.
3. Whether Plaintiff should receive additional time to complete service.

HOLDINGS

1. Plaintiff demonstrated reasonable diligence through repeated unsuccessful attempts to personally serve Taylor, and substitute service at Hidden Empire Films, LLC or its registered agent was permitted.
2. Alternative service through Taylor's Instagram account was not appropriate at that juncture.
3. Plaintiff was granted 30 days from the date of the order to effect service, with permission to file a renewed motion for alternative service if necessary.

KEY QUOTATIONS

“The Court finds that Plaintiff has shown reasonable diligence given the outlined efforts to personally serve Taylor described above.” (at 3)

“The Court does not find that alternative service is appropriate at this juncture.” (at 4)

FACTUAL BACKGROUND

Plaintiff attempted to serve Taylor at a Granite Bay address on five occasions and at a Sacramento address on five occasions, without contacting an adult at either location. Plaintiff also attempted service on the registered agent of Hidden Empire Films, LLC, allegedly associated with Taylor, and mailed the summons, complaint, and waiver to Taylor's Granite Bay addresses. Plaintiff asserted that Taylor was the general partner of Hidden Empire Film L.P. and that an address associated with the company overlapped with one of Taylor's listed addresses.

PROCEDURAL HISTORY

Lynk Media LLC filed this federal action and made repeated attempts to personally serve Deon Taylor at two addresses, attempted service on an associated company's registered agent, and mailed the summons, complaint, and waiver. After the Court issued an order to show cause concerning failure to effect service or request additional time, Plaintiff moved for substitute and alternative service. The Court granted substitute service, denied alternative service without prejudice, and granted Plaintiff 30 additional days to effect service.

DISPOSITION

other

CASES CITED

- Produce v. Cal. Harvest Healthy Foods Ranch Mkt., No. 4:11-cv-04814-YGR, 2012 WL 259575, at *4 (N.D. Cal. Jan. 27, 2012)
- Williams-Sonoma Inc. v. Friendfinder, Inc., No. 3:06-cv-06572-JSW, 2007 WL 1140639, at *2 (N.D. Cal. Apr. 17, 2007)

OPINION

Lynk Media LLC v. Taylor

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 LYNK MEDIA, LLC, No. 2:24-cv-02706-DJC-AC

12 Plaintiff, 13 v. ORDER 14

DEON TAYLOR

15 Defendant. 16

17 18 Pending before the Court is Plaintiff Lynk Media LLC's Motion for Alternative 19 Service on Deon Taylor and a Request for an Enlargement of Time to Effectuate 20 Service (ECF No. 10). Prior to the instant Motion, Plaintiff, through his counsel, 21 provides that the following attempts were made to effect service on Taylor: 22 • Ran a Transunion "TLO" skip trace search on Taylor (September 18, 23 2024), which listed a recent address in Granite Bay, California. The TLO 24 search also listed another address in Sacramento, California. 25 • A process server then attempted to serve Taylor at the Granite Bay 26 address on multiple different occasions (October 22, 2024; October 25, 27 2024; October 30, 2024; November 2, 2024; and November 4, 2024). 28 1 The process server was unable to contact any adult on the property 2 during these five attempts. 3 • A process server then attempted to serve Taylor at the Sacramento 4 address on multiple occasions (November 8, 2024; November 11, 2024;

5 November 14, 2024; November 17, 2024; and November 19, 2024). The

6 process server was unable to contact any adult at this address and noted 7 that this was a bad address. 8 • An attempt to serve the registered agent at Hidden Empire Films, LLC, a 9 company which Taylor is alleged to be associated with. (January 22, 10 2025). 11 • Mailing a true and accurate copy of the Summons, Complaint and service 12 waiver to Taylor's Granite Bay addresses. 13 Plaintiff now seeks to serve Taylor pursuant to California Civil Procedure Code 14 §§ 413.30, and/or 415.20(b), and/or Rule 4(d). The methods of service Plaintiff 15 provides are (1) by social media upon Taylor's Instagram account and/or (2) by serving 16 someone in charge at Hidden Empire Films, LLC or Hidden Empire Films, LLC's 17 registered agent.

18 I. LEGAL STANDARD

19 Federal Rule of Civil Procedure 4(e)(1) provides that a plaintiff may serve an 20 individual

using any method permitted by the law of the state where the district court 21 is located or where service is made. Fed. R. Civ. P. 4(e)(1). California law permits five 22 basic methods of service: (1) personal delivery; (2) delivery to someone else at the 23 party's usual residence or place of business with mailing (known as "substitute 24 service"); (3) service by mail with acknowledgment of receipt; (4) service on persons 25 outside the state by certified or registered mail with a return receipt requested; and 26 (5) service by publication. Cal. Civ. Proc. Code §§ 415.10, 415.20, 415.30, 415.40, 27 415.50. 28 ///

1 II. DISCUSSION

2 A. Substitute Service 3 Under California Civil Procedure Code § 415.20(b), substitute service can be 4 made at a person's home to an individual who is "apparently in charge of his . . . usual 5 place of abode, usual place of business, or usual mailing address other than a United 6 States Postal Service post office box. . ." in the presence of a competent member of 7 the household who is apparently in charge. Cal. Civ. Proc. Code § 415.20(b). This 8 method of service is allowed where it has been shown that "a copy of the summons 9 and complaint cannot with reasonable diligence be personally delivered to the 10 person to be served." Id. 11 The Court finds that Plaintiff has shown reasonable diligence given the outlined 12 efforts to personally serve Taylor described above. See *Produce v. Cal. Harvest 13 Healthy Foods Ranch Mkt.*, No. 4:11-cv-04814-YGR, 2012 WL 259575, at *4 (N.D. Cal.

14 Jan. 27, 2012) (noting that "two or three attempts" were needed to satisfy the 15 "reasonable diligence" requirement). Here, one method Plaintiff proposes to serve 16 Taylor is by "service upon someone in charge at Hidden Empire Films, LLC and/or 17 Hidden Empire Films, LLC's registered agent." The Court is satisfied that Plaintiff has 18 been reasonably diligent in attempting to personally serve Taylor. Furthermore, 19 Plaintiff has explained to the Court that Taylor, an American Filmmaker and public 20 figure, is the General Partner of Hidden Empire Film L.P., which suggests that it is 21 Taylor's "own business enterprise." See Cal. Civ. Proc. Code § 415.20 (subd. (b)) 22 (defining "usual place of business"). Moreover, it appears that some of the addresses 23 associated with Hidden Empire Film and the TLO search on Taylor overlap such that 24 there appears to be a connection between the two. Specifically, one of the addresses 25 listed for Taylor in Granite Bay is the same mailing address as is listed for Hidden 26 Empire Film, LLC. 27 Accordingly, Plaintiff's request to serve Taylor via substitute service is 28 GRANTED. 1 B. Alternative Service 2 The Court does not find that alternative service is appropriate at this juncture. 3 | Plaintiff requests to serve Taylor through his Instagram account. Plaintiff represents 4 | that the last post to this Instagram account was seventeen hours prior to the filing of 5 | the instant Motion. While it seems that the account was active somewhat recently, it is 6 | clear to the Court that Taylor, a public figure, actually runs the Instagram account 7 | or that sending a message would not be filtered out due to certain social media 8 | settings. Additionally, there is nothing indicating that Plaintiff has actually 9 | communicated with Taylor before through this platform. Cf. *Williams-Sonoma Inc. v. 10 | Friendfinder, Inc.*, No. 3:06-cv-06572-JSW, 2007

WL 1140639, at *2 (N.D. Cal. Apr. 17, 11 | 2007) (granting alternative service via email where plaintiff established that the email 12 | accounts for defendant have been effective methods of communicating with the 13 | defendants). 14 Ill. CONCLUSION 15 For the reasons discussed above, Plaintiff's request for substitute service is 16 | GRANTED. Plaintiff is also GRANTED 30 days from the date of this Order to effectuate 17 | service on Taylor. After that time, Plaintiff may file a renewed Motion for Alternative 18 | Service detailing the additional efforts made. Given that this Court has previously 19 | issued an Order to Show Cause regarding Plaintiff's failure to effectuate service or 20 | request additional time to do so (ECF No. 9), Plaintiff is advised that failure to file by 21 | that date either a proof of service or a renewed motion for alternate service will result 22 | in dismissal of this action, without prejudice, under Federal Rule of Civil Procedure 23 | A(m). 24 95 IT 1S SO ORDERED. 26 | Dated: April 30, 2025 Donel J bnetto Hon. Daniel alabretta

27 UNITED STATES DISTRICT JUDGE

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