

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

**Trustees on Behalf of General Employees Trust Fund v. Power Clean
Enterprises, Inc.**

Trust Fund v. Power Clean · No. 25-cv-05422-DMR · Decided September 22, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
TRUSTEES ON BEHALF OF GENERAL Case No. 25-cv-05422-DMR EMPLOYEES TRUST
FUND, 8 ORDER GRANTING PLAINTIFF’S EX Plaintiff, PARTE APPLICATION FOR
ORDER 9 ALLOWING SERVICE OF SUMMONS v. AND COMPLAINT UPON 10
SECRETARY OF STATE AND TO POWER CLEAN ENTERPRISES, INC., CONTINUE
INITIAL CASE 11 MANAGEMENT CONFERENCE Defendant.

12 Re: Dkt. No. 7 13 Plaintiff Trustees on Behalf of General Employees Trust Fund (“Plaintiff” or
the “Trust 14 Fund”) moves ex parte for an order permitting it to serve Defendant Power Clean
Enterprises, Inc. 15 (“Defendant” or “Power Clean”) via the California Secretary of State. [Docket
No. 7 (Appl.).]

The 16 court finds this matter suitable for disposition without oral argument. Civ. L.R. 7-1(b). For
the 17 reasons stated below, the court grants the application. 18 I. BACKGROUND 19 The Trust
Fund has made several unsuccessful attempts to serve Power Clean’s registered 20 agent for
service of process and its officers.

On July 1, 2025, the Trust Fund’s process server, First 21 Legal Court & Process (“First Legal”),
attempted to serve the summons and complaint on David 22 Aria, Power Clean’s Chief Executive
Officer and registered agent for service of process, at Aria’s 23 business address, located at 11415
Sunrise Circle, Rancho Cordova, CA 95742. [Docket No. 7-1 24 (Schechter Decl.) ¶ 8 & Ex. A
(7/11/25 Aff. of Due Diligence).]

The door to the office was locked, 25 an individual in a neighboring unit said that “he had seen
someone in [Power Clean’s office] once 26 in the past year and a half.” Id., Ex. A at 1. 27 On the
evenings of July 8, 9, and 10, 2025, First Legal attempted to serve Aria at his 1 was no answer at
the door, although First Legal reported that there were four vehicles in the 2 driveway on July 9,
and that movement could be heard on July 10.

Id., Ex. B at 1. 3 On July 10, 2025, First Legal attempted to serve Power Clean at the address
listed in on Dun 4 and Bradstreet’s online business directory, 10791 Basie Way, Rancho Cordova,
CA 95670-7325. 5 Id. ¶¶ 11-12 & Ex. C (7/15/25 Aff. of Due Diligence). 6 Also on July 10, 2025,

Power Clean filed a revised Statement of Information with the 7 California Secretary of State that provided a Pocatello, Idaho address for Aria.

Id. ¶ 13 & Ex. D 8 (7/10/25 Statement of Information). First Legal attempted to serve Power Clean at this address on 9 July 15, 2025. Id. ¶ 13 & Ex. E (8/19/25 Aff. of Due Diligence). 10 On July 23, 2025, First Legal conducted surveillance at Aria's Roseville, California address 11 at the Trust Fund's request. Id. ¶ 16 & Ex. F (9/11/25 Decl. of Diligence).

First Legal noted that in 12 the driveway were four vehicles registered to David Aria; Svetlana V. Aria, Power Clean's 13 Secretary; Oksana Yavorskaya; and Power Clean. Id., Ex. F at 1; see id., Ex. D (identifying Svetlana 14 Aria as Power Clean's secretary). A security guard and female occupant at the residence informed 15 the agent that David Aria owned the house and was currently in Hawaii.

Id. The female occupant 16 drove away in one of the vehicles. Id. First Legal attempted to "drop serve[]" the summons and 17 complaint on an approximately 60-year-old male occupant of the house, who refused to provide his 18 name or identification. Id. ¶ 16 & Ex. G (8/12/25 Decl. of Diligence).

The male occupant drove 19 away in the vehicle registered to Power Clean. Id., Ex. G at 1. 20 First Legal continued to surveil the Rosewood, California address for a total of 13 hours 21 between July 26 and August 3, 2025. Id. ¶ 17 & Ex. G (8/12/25 Decl. of Diligence).

First Legal 22 did not observe any activity. Id., Ex. G at 1-2. On August 4, 2025, First Legal "left [the summons 23 and complaint] on the porch." Id. at 3. 24 Between August 8 and 11, 2025, First Legal attempted to serve Power Clean three times at 25 the Rosewood, California Address in the evening. Id. ¶ 18 & Ex. G at 1.

First Legal received no 26 answer at the door, although it observed lights on inside on August 8. Id., Ex. G at 1. 27 On August 25, 2025, Power Clean filed another revised Statement of Information with the 1 ¶ 19 & Ex. H (8/25/25 Statement of Information). 2 II. DISCUSSION 3 A corporation may be served by "following state law for serving a summons in an action 4 brought in courts of general jurisdiction in the state where the district court is located or where 5 service is made." Fed.

R. Civ. P. 4(h)(1)(A), (e)(1). California law provides that, "if the agent 6 designated [for service of process] cannot with reasonable diligence be found at the address 7 designated for personally delivering the process... and it is shown by affidavit to the satisfaction 8 of the court that process against a domestic corporation cannot be served with reasonable diligence 9 upon the designated agent..., the court may make an order that the service be made upon the 10 corporation by delivering by hand to the Secretary of State[.]" Cal. Corp. Code § 1702(a). "Service 11 in this manner is deemed complete on the 10th day after delivery of the process to the Secretary of 12

State.” Id. 13 Despite multiple attempts at service between July 1 and August 11, 2025, the Trust Fund has 14 been unable to serve Power Clean’s registered agent and CEO David Aria or Secretary Svetlana 15 Aria at any of the business or residential addresses identified in Power Clean’s filings with the 16 California Secretary of State, Power Clean’s online registries, and other public records.

Schechter 17 Decl. ¶¶ 8-18 & Ex. A-G. Power Clean’s July 10, 2025 and August 25, 2025 Statements of 18 Information also do not identify any other corporate officers besides David Aria and Svetlana Aria. 19 Id., Ex. D, H; see *Mango v. Special Automotive Sols.*, No. 23-CV-03422-LB, 2023 WL 12140901, 20 at *1 (N.D. Cal. Oct. 3, 2023) (Section 1702(a) requires that “the plaintiff must at least attempt 21 service on the corporation itself, such as by serving a corporate officer.”).

22 Under these circumstances, the court grants the Trust Fund’s motion. The Trust Fund has 23 exercised reasonable diligence in attempting to serve Power Clean such that Power Clean may be 24 served via the California Secretary of State.

The Trust Fund shall effect service no later than 25 October 6, 2025. The Trust Fund shall serve Power Clean with a copy of this order, in addition to 26 the summons and complaint. 27 Furthermore, the October 1, 2025 initial case management conference is continued to 1 members of the public, and media may access’ the webinar information 2 at <https://www.cand.uscourts.gov/dmr>.

Zoom guidance and set up may be found at 3 <https://www.cand.uscourts.gov/zoom/>, 4 5 IT IS SO ORDERED. 6 || Dated: September 22, 2025 (Lp M. Ryu 8 Chief Magistrate Judge 9 10 11 12 © 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28