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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

G. LOOMIS, INC.,
Plaintiff,
v.
GARY A. LOOMIS, et al.,
Defendants.

Case No. C10-5467BHS
ORDER DENYING PLAINTIFF'S
MOTION FOR FINDING
REGARDING SERVICE ON
CERTAIN DEFENDANTS

This matter comes before the Court on Plaintiff G. Loomis Inc's ("G. Loomis") "Motion for Finding that GLTPRO, LLC and Andrey Velikanov Have Been Served" (Dkt. 27). In its motion, G. Loomis states that Defendants GLTPRO, LLC ("GLTPRO") and Andrey Velikanov ("Velikanov") have participated in the lawsuit and have actual notice of the complaint in this action and therefore the Court should make a finding that they have been properly served under Rule 4 of the Federal Rules of Civil Procedure as of July 12, 2010. Dkt. 27.

The Ninth Circuit has held that "[s]o long as a party receives sufficient notice of the complaint, Rule 4 is to be liberally construed to uphold service." *Travelers Cas. and Sur. Co. of America v. Brenneke*, 551 F.3d 1132, 1135 (9th Cir. 2009) (internal quotation marks omitted). "However, neither actual notice nor simply naming the defendant in the complaint will provide personal jurisdiction without substantial compliance with Rule 4." *Id.* (internal

1 quotation marks omitted). Here, although G. Loomis alleges actual notice on the part of
2 Defendants, G. Loomis has failed to show how it has substantially complied with Rule 4 in
3 attempting to serve Defendants GLTPRO or Velikanov. If, after substantial compliance
4 with Rule 4, G. Loomis wishes to renew its motion, it may do so at that time.

5 Therefore, the Court **ORDERS** that G. Loomis's motion (Dkt. 27) is **DENIED**.

6 DATED this 20th day of July, 2010.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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