

1 Reza Ganjavi in Pro Se
2331 Westwood Boulevard #152
Los Angeles, CA 90064-2109
case@rezamusic.com

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

10 REZA GANJAVI,) **Case Number:**
11 **Plaintiff,**)
12) CV05- 8619 DDP (JWJx)
13 v.) **PLAINTIFFS' REQUEST FOR**
14 Jeremy Smith, Todd Tipton,) **PERMISSION TO SERVE A DEFENDANT**
William Jennings, Douglas) **BY ALTERNATE MEANS**
Carlson, Does 1-10,)
15 **Defendants.**)

16 Plaintiff, REZA GANJAVI, hereby respectfully requests this Honorable Court
17 for permission to serve the Summons and Complaint to defendant William
18 Jennings via email in addition to using his current, verified address,
19 where according to the US Postal Service he is currently not present at.

20 This request is based on the following grounds:

21 1. On April 13, 2006, Plaintiff received confirmation from Mr. Peter
22 Benshetler, a manager at the US Post Office in San Antonio, Texas, that
23 Defendant William Jennings' ("Jennings") resides at "1415 Babcock Road, San
24 Antonio, TX 78201". Plaintiff had obtained this non-listed address through
25 extensive research; he subsequently provided the address to the US Postal
26 Service for confirmation. The Post Office further stated that according to
27 the mail carrier responsible for that address, Jennings' mail is often not
28

1 picked up at that address for several weeks at a time which according to him
2 indicates that Jennings is physically absent from that address for long
3 periods of time including the present time since the mailbox is currently
4 very full to the point that just recently the mail carrier had intended to
5 ask Jennings' apartment manager if Jennings still resides there.

6 2. There is no other physical address, neither of residence nor of
7 business available for Jennings. Plaintiff has contacted a process server in
8 the area who will start attempting to serve the Complaint and Summons on
9 Monday, 17 April 13, 2006.

10 3. Due to the strong uncertainty in completing service of process, and
11 due to the certainty that Jennings actively and continuously uses the email
12 address: journey@texas.net Plaintiff hereby respectfully requests permission
13 to serve the summons and complaint to Jennings via email as well as to his
14 home address, should the service of the process fails after three attempts.
15 The reasons for this pro-active request is a looming OSC so that Jennings
16 can get served by the end of week ending 22 April, 2006.

17 4. The proof that Jennings uses the above email actively is evident by
18 visiting "rec.music.classical.guitar" Google Newsgroup where he has posted
19 over 500 messages during the last ten weeks using the pseudonym "che"
20 (please see attached exhibit for examples of his recent posts via email
21 address journey@texas.net).

22 5. In using this alternative method of service the Plaintiff will also
23 send the summons and complaint to Jennings' other accounts which he has used
24 regularly. In response to a subpoena, on 8 February 2006, mail.com
25 Corporation's Operations Manager, Ms. Jeanny Lee disclosed the profile for
26 the user associated with the account seadrifter@mail.com. The profile
27 confirmed that the user is Jennings and an alternate address
28 djenning@optec.com was provided for him. Some of the alleged violations in

1 the Complaint were committed using the seadrifter@mail.com and some, using
2 journey@texas.net. Both emails are used by Jennings on the Usenet actively
3 and currently (please see attached exhibit for examples of his recent posts
4 via email address seadrifter@mail.com as well as journey@texas.net).

5 6. The permission to allow service of complaint and summons by email was
6 granted in the Ninth Circuit's decision of Rio Properties, Inc. v. Rio
7 International Interlink , 284 F.3d 1007 (9th Cir. 2002) under the
8 circumstances that the Plaintiff could not be served via a physical address
9 and that there was sufficient proof that the proposed email addresses for
10 service are valid. Plaintiff contends that these conditions are met for the
11 case at bar if Service to the physical address fails on repeated attempts.

12 7. Therefore, Plaintiff requests this Honorable Court to allow service of
13 Complaint and Summons to be done via email to the Defendant's all three
14 email addresses as described above as well as to his current residence which
15 he reportedly does not physically occupy for weeks at a time on regular
16 basis and presently does not seem to be there. However, diligent attempts
17 will take place to serve the Defendant at his physical address first.

18
19 Gratefully & Respectfully,

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22
23
24 14 April 2006