

president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized to receive service”. *See* Cal. Civ. Proc. Code § 416.40.

c) Public Entities

A public entity (i.e., the State of California and its political subdivisions) may be served by delivering the process to “the clerk, secretary, president, presiding officer, or other head of its governing body.” *See* Cal. Civ. Proc. Code § 416.50.

**D. Service by Mail**

In California, a summons can be served by mail and must include a proper notice and acknowledgment of receipt of summons. Specifically, a copy of both the summons and the complaint must be mailed (by postage prepaid, first-class mail or airmail) to the person to be served, along with:

- two copies of the notice and acknowledgment with the legally required verbiage; and
- a postage prepaid return envelope that is addressed to the sender.

*See* Cal. Civ. Proc. Code § 415.30(a).

This type of service is deemed complete on the date of execution of a written acknowledgement of receipt of summons, if the acknowledgement is subsequently returned to its sender. *See* Cal. Civ. Proc. Code § 415.30(c).

**E. Service By Publication**

Process may be served by publication if upon affidavit it appears that the party to be served cannot with reasonable diligence be served otherwise (i.e., in another way) and that either:

- A cause of action exists against the party or he is a necessary or proper party; AND
- The party has or claims an interest in property in California subject to the court’s jurisdiction, or the relief demanded consists in excluding the party from any interest in the property. *See* Cal. Civ. Proc. Code § 415.50(a).

The court must order publication of the summons in a newspaper -- published in California -- that is most likely to provide actual notice. The process and that order must be mailed to the party if his or her address is ascertained before expiration of the publication period of once a week for four successive weeks. *See* Cal. Civ. Proc. Code § 415.50(b). Generally, the publication is complete on the last day of required publication. *See California Civil Procedure*, William R. Slomanson, § 2-4 (2<sup>nd</sup> Ed. West 2006).

**F. Time for Service – 60 Days**

California has adopted the Trial Delay Reduction Act (the “Act”). The purpose of the Act is to expedite the litigation process. Although courts are free to set time limits for service locally of