

INSTRUCTIONS FOR APPLICATIONS AND ORDERS FOR PUBLICATION

Submit the Application and the Order for Publication to the appropriate clerk's office at the courthouse where the case is assigned.

To process your Application for Publication, please follow the guidelines listed below to substantiate the need to serve by publication and satisfy the requirements of diligence (Code Civ. Proc., §§ 415.20, 415.30 and 415.50):

I. SUBMITTING YOUR APPLICATION

1. Application for Publication, LACIV 108, and Order for Publication, LACIV 145, are available for your use at the Court's website (www.lacourt.ca.gov). There must be separate Application and Order forms for each person or entity to be served.
2. When submitting an Application and Order to serve a corporation through the Secretary of State, submit the Application and Order in pleading format. After attempting to serve the agent for service of process, a corporation may be served through the Secretary of State. See California Corporations Code section 1702, or section 17061c(1) for Limited Liability Companies.
3. Submit one original set of documents and one copy of the set of documents; each set of documents should be stapled or securely fastened together. Remember to save a copy of all documents submitted. Exhibits should be tabbed and relevant information highlighted.
4. Include a stamped, self-addressed return envelope or an attorney service slip. Do not include more than one copy of any document to be conformed.
5. Walk-in approvals are not available.
6. Allow a minimum of 3 weeks for a response to your application.

II. SEARCHING FOR THE DEFENDANT

There are no specific requirements and no single formula to show "reasonable diligence" that a party cannot be served in a manner other than publication.

The following are only guidelines which may assist with the application processing and demonstration of "reasonable diligence."

1. Check internet pages of service providers that provide data for locating people;
2. Check possible addresses for the party;
3. Check local telephone directories;

4. Check real property ownership;
5. Check post office for change of address information;
6. Attempt to contact defendant's/respondent's family and friends.
 - The searches need to be documented with declarations to support the searches.
 - If the party to be served has a "common name" it may be necessary to limit the search to an appropriate local area.
 - If the complaint involves a motor vehicle accident, an attorney may obtain a report from the DMV (Veh. Code, §1808.22).

III. RESUBMITTING YOUR APPLICATION AFTER A REJECTION

1. If your Application for Publication is rejected, you will receive a conformed copy of the Notice of Rejection and a conformed copy of the application for Publication.
2. In response to a Notice of Rejection, submit an amended Application, which should include both a copy of the evidence you provided previously and any supplemental papers, as well as a copy of the Notice of Rejection.
3. Each time an application for Publication is submitted, a proposed Order for Publication must be included. The Order must be separate, easy to locate and not stapled to or inside the Application.

IV. VALIDATION ACTIONS (See Code Civ. Proc., § 860 *et seq.*)

1. Applications for Publication for Validation Actions are handled differently.
2. The summons must be provided by the moving party (the Judicial Council Form cannot be used), directed at the specific facts of the case.
3. In regard to service, the target audience is usually the issue, as well as the people who must receive actual notice.

CONTACT INFORMATION

For additional information and the court forms, you may access the Court's website: www.lacourt.ca.gov.