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ENDORSED

2000 APR -9 A 8:54

KIRI YODanis
A. Iias
COUNTY OF SANTA CLARA CALIFORNIA
BY _____
COURT CLERK

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SANTA CLARA

11 BARRY J. STIEFEL

12 Plaintiff,

13 vs.

14 DOES 1 through 50, inclusive,

15 Defendants.

Case No. 107CV084031

**[PROPOSED] ORDER FOR
PUBLICATION OF SUMMONS**

17
18 This Court has read and considered the application of plaintiff Barry J. Stiefel for an order
19 directing service of the summons on defendant John P. Watie by publication, and the evidence
20 presented in support of the application, and it appears to the satisfaction of the Court that
21 defendant John P. Watie cannot be served with reasonable diligence in any other manner set forth
22 in Code of Civil Procedure section 415.10 through 415.30. The Court also finds that defendant
23 John P. Watie is a necessary party to this action.

24 THEREFORE, IT IS ORDERED that:

25 Service of the summons in this action on defendant John P. Watie shall be accomplished by
26 publication in the Tulsa World a newspaper published in the State of Oklahoma and designated as
27 the newspaper most likely to give actual notice to the defendant.

28 The publication shall be made once a week for four weeks.

1 If defendant's address is ascertained prior to the expiration of the time prescribed for
2 publication of the summons, a copy of the summons and complaint and of the order for publication
3 shall immediately be mailed to defendant.

4 In addition to publication in the Tulsa World, Plaintiff will also post a copy of the
5 publication in the Tulsa World on his "Failing Enterprise" message board. This additional step is
6 the most likely means to provide Watie with actual notice of the summons and complaint because
7 to date Watie continues to log onto this message board and post defamatory messages.

8 This order does not preclude service upon defendant John P. Watie in any other manner
9 specified in the Code of Civil Procedure sections 415.10 through 415.30, which service supersedes
10 the service by publication.

11
12 Date: APR 09 2008

MARY JO LEVINGER

Judge of the Superior Court