

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MICHAEL R. FANNING, as Chief	)	
Executive Officer of the Central	)	
Pension Fund of the International	)	
Union of Operating Engineers and	)	
Participating Employers,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 13-CV-0865(KBJ)
	)	
C&L SERVICE CORPORATION,	)	
	)	
Defendant.	)	
	)	
	)	

**MEMORANDUM ON**  
**NOTICE OF REGISTERED AGENT**

Plaintiff has filed a notice (Notice of Registered Agent, “Notice,” ECF No. 8) regarding Edward S. Garcia, Jr., the registered agent to whom the Fund had been directing service of process. (*See, e.g.*, Return of Service/Affidavit, ECF No. 3, ¶ 2 (indicating that the summons and complaint were served on C&L’s registered agent, Edward S. Garcia, Jr.)) Plaintiff attached to that Notice a print-out from the website of the Virginia State Corporation Committee (“SCC”), which identified Mr. Garcia as the registered agent for C&L but noted that his “status” was “resigned” as of August 25, 2013. (SCC Business Entity Details for C&L, ECF No. 8-1, at 1.) Plaintiff also included a September 9, 2013, letter from Mr. Garcia indicating that his firm “neither represents [C&L], nor does it serve as registered agent or registered office for said corporation.” (Letter of Edward S. Garcia, Jr., ECF No. 8-1, at 3.) Plaintiff also

attached a letter from Mr. Hopp, Plaintiff's counsel, to Mr. Garcia, in which Mr. Hopp maintains that under Virginia law, Mr. Garcia's "obligations [as registered agent] continue" until a new registered agent is recorded with the SCC. (Letter of R. Richard Hopp, ECF No. 8-1, at 2.)

Whether or not Mr. Garcia is still bound to serve as C&L's process server at this time is of no consequence to the motion for default judgment, which the Court has granted by separate order. (ECF No. 10.) For one thing, Mr. Garcia *was* the registered agent for C&L when the Fund filed and served the complaint (June 10, 2013) and the affidavit requesting default (August 20, 2013). (ECF Nos. 1, 4.) Mr. Garcia was also the registered agent when the Clerk of the Court entered default as to C&L (August 21, 2013). (*See* ECF No. 5.) Moreover, C&L also served the request for default and motion for default judgment on Barbara L. Moore, who communicated directly with Plaintiff's counsel, Mr. R. Richard Hopp, to indicate that C&L was aware of the pending default and had been discussing the matter with C&L's attorney. (Hopp. Decl. ¶ 6; *see also* Hopp & Moore Emails, Ex. C to Hopp. Decl., App. 25-28.) Thus, whether or not Mr. Garcia remains the registered agent for C&L at this time, the Court is satisfied that the Fund properly served C&L during the course of this litigation.

Date: September 13, 2013

*Ketanji Brown Jackson*  
KETANJI BROWN JACKSON  
United States District Judge