

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

VANESSA GRIFFIN, ET AL.

PLAINTIFFS

V.

Case No. 4:14-cv-4065

TONY ALAMO a/k/a
BERNIE L. HOFFMAN, *et al.*

DEFENDANTS

ORDER

Before the Court are Joint Movants Steve Johnson, Advantage Food Group, Advantage Sales, LLC, Jeanne Estates Apartments, Inc., Ron Decker, Donn Wolf, Steve Lovellette, Tommy Scarcello, Action Distributors, Inc., Rite Way Roofing and Angela Morales's Motion to Make Alternative Service and to Extend Time to Make Service (ECF 197) and Motion to Supplement (ECF No. 258). In the original motion to make alternative service, Joint Movants sought leave to make alternative service upon Third-Party Defendants Greg Seago, Cynthia Yates Reid, Debra Ondrisek, and Brian Broderick. In their Motion to Supplement, Joint Movants state that they have now completed service upon all of these Third-Party Defendants, with the exception of Cynthia Yates Reid. Additionally, in the Motion to Supplement, Joint Movants have included the required affidavits that were missing from their original motion. No responses to the original motion or motion to supplement have been filed. The Court finds this matter ripe for consideration.

On January 13, 2016, Joint Movants, Steve Johnson, Advantage Food Group, Advantage Sales, LLC, Jeanne Estates Apartments, Inc., Ron Decker, Donn Wolf, Steve Lovellette, Tommy Scarcello, Action Distributors, Inc., Rite Way Roofing and Angela Morales's filed their Third-Party Complaint against Greg Seago, Gina Elizabeth Howard, Alphonso Reid, Sr., Cynthia Yates

Reid, Richard Ondrisek, Debra Ondrisek and Brian Broderick. (ECF No. 148). To date, Joint Movants have been unable to locate or serve Cynthia Yates Reid.

Federal Rule of Civil Procedure 4(e)(1) provides that service may be effected pursuant to the law of the state in which the district court is located or the state where service is made. Joint Movants seek leave to make alternative service upon Cynthia Yates Reid in accordance with the law of the state of her last known address. Reid's last known address is in Indianapolis, Indiana.

In Indiana, service may be made by publication where a supporting affidavit is filed showing a diligent search was made to locate the person to be served, but the individual cannot be found, has concealed his or her whereabouts, or has left the state. *See* Ind. R. Trial. P. 413. The summons must first be published promptly in a newspaper authorized to publish notices and located in the county where the person to be served last resided or is known to reside. *Id.* Following the first publication, the summons shall be published two additional times, at least seven days but not more than fourteen days after the previous publication. *Id.*

Joint Movants have provided the required supporting affidavits. (ECF No. 258, Exh. 1-2). Upon review, the Court finds that they have made diligent efforts to locate Cynthia Yates Reid. Accordingly, Joint Movants shall make service by publication in the Indianapolis Star, one time per week for three (3) consecutive weeks in accordance with the laws of the State of Indiana. Further, should the address of Cynthia Yates Reid be ascertained before the expiration of time of publication then a copy of the summons, the Third Party Complaint and the order for publication will be mailed to her address as required by the law of the State of Indiana.

Based upon the foregoing reasons, the Court finds that Joint Movants' Motion to Make Alternative Service and to Extend Time to Make Service (ECF 197) and Motion to Supplement (ECF No. 258) should be and hereby are **GRANTED**. The deadline to effect service upon all

Third-Party Defendants mentioned above is extended to September 29, 2016. Service by publication as to Cynthia Yates Reid must be fully completed within this time frame.

IT IS SO ORDERED, this 26th day of August, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge