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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SUZETTE TIPPITT,

Plaintiff,

v.

RANDY BARNES, RAYANA HOPE
BARNES and DOES 1 through 50,

Defendants.

TESORO CORPORATION, a California
corporation,

Complainant in
Intervention,

v.

RANDY BARNES and RAYANA HOPE
BARNES, DOES 1 through 50, Inclusive,

Defendant in
Intervention.

No. 2:13-cv-01996-TLN-KJN

**ORDER DIRECTING SERVICE BY
PUBLICATION**

This matter is before the Court pursuant to Plaintiff Suzette Tippitt's ("Plaintiff") Motion for Service by Publication. (ECF No. 20.) Plaintiff seeks to issue notice by publication because all reasonably diligent efforts at service of notice have been unsuccessful. (ECF No. 20 at 3-4.) In support of her motion, Plaintiff offered the affidavit of Janice D. Dudensing, Plaintiff's counsel. (ECF No. 20 at 3-4.) In her affidavit, Ms. Dudensing indicates that, through all reasonable diligence, she has been unable to locate Defendants Randy Barnes and Rayana Hope Barnes ("Defendants") for service. (ECF No. 20 at 3-4.)

1 Pursuant to Local Rule 171, the Court is permitted to approve notice through publication.
2 Federal Rule of Civil Procedure Rule 4(e) (“FRCP 4(e)”) provides that an individual must be
3 served with notice pursuant to “state law for serving a summons in an action brought in courts of
4 general jurisdiction in the state where the district court is located or where service is made.” Here,
5 the Court will apply the law of the state of Nevada, the state in which service is made. The
6 Federal Rules of Civil Procedure for Nevada District Courts Rule 4 (“Nevada Rule 4”) provide
7 several requirements for service by publication. First, the form of notice must:

8 contain the name of the court and county and the names of the
9 parties, be directed to the defendant, state the name and address of
10 the plaintiff’s attorney ... and the time within which the defendant
11 must appear and defend, and shall notify the defendant that failure
12 to do so will result in a judgment by default against the defendant
13 for the relief demanded in the complaint. When service of the
14 summons is made by publication, the summons shall, in addition to
15 any special statutory requirements, also contain a brief statement of
the object of the action substantially as follows: “This action is
brought to recover a judgment dissolving the contract of marriage
(or bonds of matrimony) existing between you and the plaintiff,” or
“foreclosing the mortgage of plaintiff upon the land (or other
property) described in complaint,” or as the case may be.

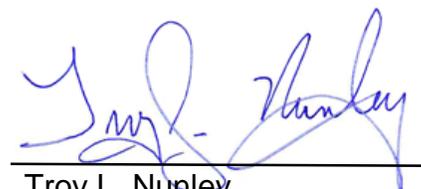
16 Nevada Rule 4(b). Such notice must be published in the newspaper designated by the Court for a
17 period of four weeks, at least once a week during that time. Nevada Rule 4(e)(1)(iii).

18 The Court notes that the notice proposed by Plaintiff within her motion does not meet the
19 requirements of either the notice form or the length of time required by law. Therefore, Plaintiff
20 is instructed that published notice must conform to the requirements enumerated herein. Failure
21 to meet these requirements will render the notice by publication ineffective.

22 The Court hereby grants Plaintiff’s request for service through publication and designates
23 the Las Vegas Review-Journal as the newspaper in which the notice shall be published for a
24 period of at least four weeks. The Court orders Plaintiff to submit a copy of the notice used in
25 publication to this Court within 30 days of the date of this Order.

26 IT IS SO ORDERED.

27 Dated: May 12, 2015



Troy L. Nunley
United States District Judge