

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ROBERT G. GREENE, *et al.*,)
4)
5 Plaintiffs,)
6 vs.)
7 JACOB TRANSPORTATION SERVICES,)
8 LLC, *et al.*,)
9 Defendants.)

Case No.: 2:09-cv-00466-GMN-CWH

ORDER

10
11 Pending before the Court is a Motion to Reconsider (ECF No. 207) filed by Defendants
12 Carol Jimmerson, James Jimmerson, and Jacob Transportation Services, LLC (collectively
13 “Defendants”). Plaintiffs Robert G. Greene, Thomas Schemkes, and Gregory Green
14 (collectively “Plaintiffs”) filed a Response (ECF No. 212), and Defendants filed a Reply (ECF
15 No. 217).

16 **I. BACKGROUND**

17 On December 30, 2015, Plaintiffs filed a Motion to Serve by Publication. (Mot. to Serve
18 by Pub., ECF No. 205). Shortly thereafter, Magistrate Judge Carl W. Hoffman granted
19 Plaintiffs’ Motion. (Order, ECF No. 206). Defendants subsequently filed the instant Motion
20 (ECF No. 207) to reconsider Magistrate Judge Hoffman’s Order.

21 **II. LEGAL STANDARD**

22 Local Rule IB 3–1 provides that “[a] district judge may reconsider any pretrial matter
23 referred to a magistrate judge in a civil . . . case . . . where it has been shown that the magistrate
24 judge’s ruling is clearly erroneous or contrary to law.” A ruling is clearly erroneous if the
25 reviewing court is left with “a definite and firm conviction that a mistake has been committed.”

1 *Burdick v. C.I.R.*, 979 F.2d 1369, 1370 (9th Cir. 1992). The district judge may affirm, reverse,
2 modify, or remand with instructions the ruling made by the magistrate judge. LR IB 3–1(b).

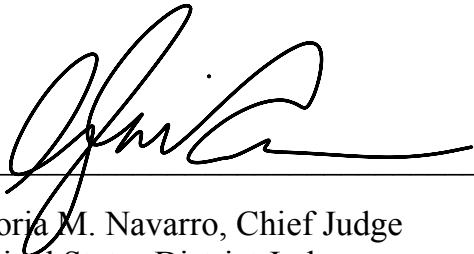
3 **III. DISCUSSION**

4 Defendants argue that “the Magistrate Judge’s Order granting the motion to serve by
5 publication should be vacated/denied, as the Defendants have not avoided service of process
6 and the motion asserting such failed to actually make such required showing.” (Mot. to Recons.
7 4:19–21, ECF No. 207). However, after Defendants filed the instant Motion, Plaintiffs
8 successfully served Defendants. (Aff. of Service, ECF No. 210; Acceptance of Service, ECF
9 No. 211; *see also* Reply 2:10–11, ECF No. 217). As a result, service by publication is no
10 longer necessary. Accordingly, the Court denies Defendants’ Motion requesting
11 reconsideration of Judge Hoffman’s Order as moot.

12 **IV. CONCLUSION**

13 **IT IS HEREBY ORDERED** that Defendants’ Motion to Reconsider (ECF No. 207) is
14 **DENIED.**

15 **DATED** this 9 day of June, 2016.

16
17 
18 _____
19 Gloria M. Navarro, Chief Judge
20 United States District Judge
21
22
23
24
25