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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORLAN CHARLES HORNE,)
)
                  Plaintiff,)   Case No. 2:12-cv-01142-JCM-GWF
)
vs.)   **ORDER**
)
ACE LTD; *et al.*,)   Motion for Service via Diplomatic
)   Channels (#45)
                  Defendants.)
_____)

14   This matter comes before the Court on Plaintiff Orlan Horne's ("Plaintiff") Motion for

15 Service of Process via Diplomatic Channels (#45), filed on January 3, 2013. The time to file any

16 opposition expired on January 21, 2013.

17   Federal Rule of Civil Procedure 4(f)(1) permits a party in a foreign country to be served "by

18 any internationally agreed means of service that is reasonably calculated to give notice, such as

19 those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial

20 Documents." Plaintiff represents that despite diligent attempts, he has been unable to locate a

21 domestic agent to accept service for Defendant ACE, Ltd. ("ACE"). Although more than120 days

22 have elapsed since Plaintiff filed the Complaint (#1), Rule 4(m)'s time limit "does not apply to

23 service in a foreign country under Rule 4(f)[.]" The United States and Switzerland, ACE's country

24 of residence, are both signatories to the Hague Convention. Furthermore, under Local Rule 7-2(d),

25 the failure of an opposing party to file points and authorities in response to any motion shall

26 constitute a consent to the granting of the motion. The time to oppose the instant Motion has

27 expired, and no opposition has been filed. Accordingly,

28 ...

1   **IT IS HEREBY ORDERED** that Plaintiff's Motion to Request Service of Process via

2   Diplomatic Channels (#45) is **granted**. Plaintiff may pursue service of process under the Hague

3   Convention.

4   DATED this 29th day of January, 2013.

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6   _____
                                               GEORGE FOLEY, JR.
7   United States Magistrate Judge

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