

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE NEVADA RESORT
ASSOCIATION-INT'L ALLIANCE OF
THEATRICAL STAGE EMPLOYEES
& MOVING PICTURE MACHINE
OPERATORS OF THE UNITED STATES &
CANADA, LOCAL 720, PENSION TRUST

Plaintiff(s),

vs.

ALUMIFAX, INC., et al.,

Defendant(s).

Case No. 2:13-cv-0530-APG-NJK

ORDER DENYING EX PARTE
APPLICATION
(Docket No. 17)

Pending before the Court is Plaintiffs' *ex parte* application for an extension of time and to request service by publication. Docket No. 17. The Court has reviewed the materials presented and finds a hearing on the application unnecessary. *See* Local Rule 78-2. For the reasons discussed below, the application is hereby **DENIED** without prejudice.

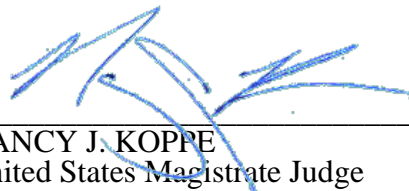
Service by publication implicates a defendant's fundamental due process rights. *See, e.g., Price v. Dunn*, 787 P.2d 785, 787 (Nev. 1990). Service by publication is generally disfavored. *See, e.g., Dunmore v. Dunmore*, 2012 WL 4364454, *2 (E.D. Cal. 2012). Although Plaintiffs cite to Federal and Nevada Rules of Civil Procedure, the application fails to cite to any case law whatsoever analyzing service by process and supporting the pending request. As such, the *ex parte* application for service by publication is **DENIED** without prejudice so that Plaintiffs may present

1 fully developed arguments grounded in legal authority.

2 Similarly with respect to the request for an extension of time to serve by publication,
3 Plaintiffs provide no case law in support of that request. As such, the *ex parte* application for an
4 extension is DENIED without prejudice so that Plaintiffs may present fully developed arguments
5 grounded in legal authority.

6 IT IS SO ORDERED.

7 DATED: July 29, 2013

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NANCY J. KOPPE
United States Magistrate Judge