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9	

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SANDY COOPER, an individual, GARDEN MEADOW, INC., a Connecticut Corporation,

Case No. 2:13-cv-01520-JAD-NJK

Plaintiffs,

VS.

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REQUEST TO ENLARGE TIME FOR SERVICE

GALYFORD (HK) LIMITED, a Chinese Company,

Defendant.

Plaintiffs Sandy Cooper and Garden Meadow ("Plaintiffs"), by and through their attorneys of record, Jolley Urga Wirth & Woodbury, hereby submit this request to enlarge time for service.

Plaintiffs filed this action on August 22, 2013. Since then, Plaintiffs have attempted to effectuate service on Defendant Pursuant to Fed. R. Civ. P. 4(f)(1) and the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents (hereinafter the "Hague Convention"). Even though Plaintiffs properly served process in this action pursuant to the Hague Convention, the Chinese Ministry of Justice (the "Ministry") refused to effectuate service and returned Plaintiffs' documents. The return of the documents was accompanied by a letter from the Ministry claiming that they could not serve the documents because the "Chinese translation"

Page 1 of 2

 $K: \ LCR \ Garden\ Meadow\ 11531 \ Galy ford\ 26001 \ Pleadings \ _Drafts \ 13-12-19\ Request\ to\ Enlarge\ Time\ for\ Service. document of the service of$

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doesn't match with the original documents." See Letter attached hereto as Exhibit 1. Rather than actually comparing the text of the original and its translation, the Ministry appears to be relying on the fact that the Chinese translation had more pages than the original as a basis for its rejection.

Plaintiffs encountered similar difficulties in serving Galyford's alter ego, Ningbo Xingqiang Metallic Products Co. Ltd. ("Ningbo") in this case's companion case Cooper, et al v. Ningbo, 2:12-cv-00698-JCM-GWF. Despite numerous attempts to serve the defendant in that case, the Ministry refused to serve process, each time claiming there was a defect in the papers, such as not being able to find the name and address in of the defendant (despite the fact that the information was conspicuous in a number of places in the documents.) In fact, it took eleven months and multiple attempts before the Ministry served Ningbo in that action.

Anticipating further difficulties in serving process pursuant to the Hague Convention, Plaintiffs respectfully request that the time for service be extended to February 13, 2014. Although Plaintiffs are aware that the Fed. R. Civ. P. 4(m) 120-day limitation on service does not apply to service pursuant to Hague Convention and Fed. R. Civ. P. 4(f), Plaintiffs are seeking to preserve their rights to serve Galyford by alternative means. Further, it is Plaintiffs' desire to also inform this Court of its diligent efforts to serve process in this case and that, based on their prior experiences, it anticipates difficulties in serving Galyford.

Dated this 19th day of December 2013.

ORDER

IT IS SO ORDERED.

Date: 12/30/2013 24

S DISTRICT JUDGE

JOLLEY URGA WIRTH & WOODBURY

By: /s/ Tyler N. Ure

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中华人民共和国司法部

Ministry of Justice, People's Republic of China

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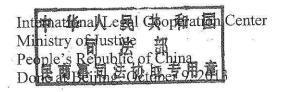
2013-SXS-1576

Garden Meadow,Inc. by Counsel L.Christopher Rose,Tyler Ure Jolley Urga Wirth Woodbury&Standish 3800 Howard Hughes Pkwy 16th Floof,Wwlls Fargo Tower Las Vegas,NV 89169 U.S.A.

The Request for the service of documents has been received.

We regretfully return your request because it does not comply with the provisions of the Hague Convention on the Service abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereinafter referred to as the Convention), and the Declaration made by the People's Republic of China at the time of its accession. The specific reasons for the return are as follows (the item/items below which is/are marked with X):

- () The address of the person to be served upon is not sufficiently provided (Paragraph 2 of Article 1).
- () The form of the Request does not conform to the model annexed to the Convention (Paragraph 1 of Article 3).
- () The terms in the Request are not written in the languages specified by the Convention (Article 7).
- () The Request and the documents to be served are not furnished in duplicate (Paragraph 2 of Article 3).
- () The documents to be served are not written in, or translated into Chinese (Article 5).1
- () The case relating to the request does not fall into the scope of the Convention (Paragraph 1 of Article 1).
- () The execution of the request would infringe the sovereignty or security of the People's Republic of China (Article 13).
- (X) Others: The Chinese translation doesn't match with the original documents. The Chinese translations are obviously more than the English papers.



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