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6
 7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 **BRYAN CORNELL,**

10 **Plaintiff,**

11 **v.**

12 **JOHN BONAVENTURA, individually**
 13 **and in his official capacity as Las Vegas**
 14 **Township Constable; et. al.,**

15 **Defendants.**

)
)
) **Case No. 2:14-cv-1906-APG-NJK**
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16 **PLAINTIFF’S MOTION TO EXTEND DEADLINE FOR SERVING**
 17 **COMPLAINT UPON DEFENDANT JOHN BONAVENTURA**

18 Pursuant to Federal Rule of Civil Procedure (“FRCP”) 6(b)(1)(A), Plaintiff respectfully
 19 requests that the Court extend by 60-days, or until May 12, 2015, the time within which Plaintiff
 20 must serve the Complaint (Pacer #1) upon Defendant John Bonaventura. Proof of service is
 21 required to be filed with the Court on March 14, 2014. Plaintiff has already effected timely
 22 service upon all other Defendants in this case.

23 In support of this motion, Plaintiff relies upon the memorandum of points and authorities
 24 set forth below.

25 . . .

26 . . .

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 FRCP 4(m) requires that a party initiating litigation serve a defendant within “120 days
3 after the complaint is filed . . .” Failure to do so may result in dismissal of the complaint, unless
4 “good cause” exists to extend the 120-day period. *Id.* Similarly, a party may seek an extension
5 of a deadline prior to its expiration pursuant to FRCP 6(b)(1)(A) upon the same standard of
6 “good cause.”

7 Here, “good cause” exists to extend the service deadline for serving Defendant John
8 Bonaventura with the Complaint and Summons. While Plaintiff has timely effected service upon
9 all other Defendants in this case (Pacer ##13-16), Defendant Bonaventura, despite best efforts by
10 Plaintiff, has not been served. As noted in the “affidavit of due diligence” filed with the Court
11 this same day, no less than five separate individuals have attempted to locate and effect service
12 upon Defendant Bonaventura. *See* Pacer #29. Ironically, while Defendant Bonaventura once
13 commanded an office that was in charge of effecting service of process upon members of the
14 general public, he appears to be evading service himself.

15 Plaintiff cannot serve Defendant Bonaventura within the current deadline of March 14,
16 2015. Accordingly, additional time is needed to locate him and effect proper service. While Mr.
17 Bonaventura has an attorney that has appeared in this case for him,¹ thereby demonstrating that
18 Mr. Bonaventura is clearly aware of this lawsuit, he has made himself scarce. Any reasonable
19 person would conclude that this is clearly an effort to force Plaintiff to incur unnecessary costs
20 and to frustrate his efforts at prosecuting his claims. The Court should grant this request for
21 extension.

22 . . .

23 . . .

24
25 ¹ Pacer #26.

1 **CONCLUSION**

2 Plaintiff, by and through counsel, respectfully requests that the Court grant this motion.

3 Respectfully submitted,

4 */s/ Paul S. Padda*

5 _____
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14 Dated: March 13, 2015

15 **IT IS SO ORDERED:**

16 **Plaintiff’s request to extend the 120-day deadline
17 required by FRCP 4(m) is hereby granted.
18 Plaintiff’s time to serve the Summons and
19 Complaint upon Defendant John Bonaventura is
20 hereby extended to and until May 12, 2015.
21 Proof of service shall be filed on or before that
22 date.**

23 
24 _____
25 **UNITED STATES MAGISTRATE JUDGE**

26 **DATED:** March 16, 2015

CERTIFICATE OF SERVICE

27 In compliance with the Court’s Local Rules, the undersigned hereby certifies that on
28 March 13, 2015, a copy of the foregoing document, “PLAINTIFF’S MOTION TO EXTEND
29 DEADLINE FOR SERVING COMPLAINT UPON DEFENDANT JOHN BONAVENTURA”
30 was served (via the Court’s CM/ECF system) upon counsel of record for Defendants.

31 */s/ Paul S. Padda*

32 _____
33 Paul S. Padda, Esq.