UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

JULIE ROSAS,	(
Plaintiff,	Case No. 2:14-CV-02190-RFB-GWI
VS.	ORDER
DESERT PALACE, INC., a Nevada corporation d/b/a CAESARS PALACE LAS VEGAS et al.,)) }
Defendants.	,

This matter is before the Court on Plaintiff's Motion to Extend Time to Serve Summons and Complaint on Defendant Germann Brizuela and to Serve Defendant by Publication (#26), filed on March 31, 2015.

Plaintiff requests an extension of 60 days to serve Defendant Brizuela by publication. Courts have broad discretion to extend time for service under Fed. R. Civ. P. 4(m). *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2003). Plaintiff attaches the affidavit of Kevin R. Smith, a process server, which discusses the difficulties in serving the Defendant despite Mr. Smith's best efforts. Based on Mr. Smith's affidavit, the Court finds that the Plaintiff has exercised due diligence in attempting to personally serve the Defendant. Good cause therefore exists to grant the extension.

Plaintiff believes that the Defendant is actively evading service. Plaintiff contacted the Defendant via his work phone, and the Defendant admitted he was aware of the lawsuit. The parties arranged to meet at 3549 Industrial Road, Las Vegas, NV at 10:00 a.m. on March 26, 2015, in order to serve the Defendant. When Plaintiff's process server arrived at the site, the security guard indicated he was not familiar with the Defendant. An alternative address was discovered, and the process server spoke with the Defendant on the phone at this location. The Defendant

refused to exit the building to accept service, instead instructing the server to take the papers to Caesar's Palace. Counsel for Caesar's Palace informed the process server that she is not authorized to accept service for Defendant Brizuela. Subsequent phone calls to the Defendant have not been answered and messages have not been returned. Nevada Rule of Civil Procedure 4(e)(1) permits service by publication when the party to be served "by concealment seeks to avoid the service of summons." Plaintiff has reasonably shown that Defendant Brizuela is actively avoiding service. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Extend Time to Serve Summons and Complaint on Defendant Germann Brizuela and to Serve Defendant by Publication (#26) is **granted**.

IT IS FURTHER ORDERED that Plaintiff shall publish the summons and complaint at least once a week for four (4) consecutive weeks in a newspaper of general circulation published in Clark County, Nevada. Plaintiff must also mail by U.S. Postal Service a copy of the summons and complaint to Defendant Brizuela's last known residence pursuant to N.R.S. 4(e)(1)(iii). Service by publication must be complete by May 31, 2015.

DATED this 2nd day of April, 2015.

GEORGE FOLEY, JR.

United States Magistrate Judge