

1 exists against the defendant in respect to whom the service is to be made, and that the defendant is a
2 necessary or proper party to the action, such court or judge may grant an order that the service be made
3 by the publication of summons.”

4 Plaintiff asserts that the after diligent effort, she is unable to serve Holmes within the state of
5 Nevada. (ECF No. 45 at 8). In support of this assertion, Plaintiff provided the court with an affidavit of
6 attempted service. Id. The last known addresses for Holmes is 5370 E. Craig Rd., Unit 1079, Building
7 14, Las Vegas, Nevada 88115. Id. Service at this address was unsuccessful. Id.

8 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
9 service by publication of the Summons and Complaint on Holmes is warranted. Pursuant to Rule
10 4(e)(1)(iii), the publication must be made in a newspaper, published in the State of Nevada, for a period
11 of 4 weeks, and at least once a week during said time. Nev. R. Civ. P. 4(e)(1)(iii).

12 **Extension For Service**

13 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
14 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
15 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

16 Plaintiff must effectuate service on Holmes by May 5, 2016. Fed. R. Civ. P. 4(m). Plaintiff asserts
17 that an additional 60 days is required to effect service by publication, and asks this court to extend the
18 4(m) deadline. Id.

19 Given that Plaintiff has demonstrated “good cause” for her failure to effectuate service and has
20 provided support for her request for an extension, the court will extend the 4(m) deadline until May 5,
21 2017. See Fed. R. Civ. P. 4(m).

22 Accordingly, and for good cause shown,

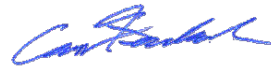
23 IT IS HEREBY ORDERED that Motion for Extension of Time to Serve 2nd Amended Complaint
24 on Defendant Holmes (ECF No. 40) and Motion for Service by Publication (ECF No. 45) are GRANTED.

1 IT IS FURTHER ORDERED that Plaintiff is permitted to serve Holmes by publication. A copy
2 of the Summons and Complaint must be mailed to Holmes at his last known address by certified U.S.
3 Mail, return receipt requested.

4 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
5 and (iii), the Summons in this action must be served by publication in a newspaper, published in the state
6 of Nevada, for a period of four weeks and at least once a week during that time.

7 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
8 including May 5, 2017.

9 DATED this 28th day of February, 2017.

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13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
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