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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST)
COMPANY,)
)
Plaintiff(s),)
)
vs.)
)
SEVEN HILLS MATTER COMMUNITY)
ASSOCIATION, et al.,)
)
Defendant(s).)

Case No. 2:15-cv-01373-APG-NJK
ORDER
(Docket Nos. 39, 40, 41)

Pending before the Court are Counter-claimant SFR Investments Pool 1, LLC’s (“Counter-claimant SFR”) motion to amend the case caption (Docket No. 39), motion for an extension of time to serve Cross-claimant Valorie Holcomb (Docket No. 40), and motion for leave to serve her by publication (Docket No. 41). The Court finds the motions properly resolved without oral argument. See Local Rule 78-2. For the reasons discussed below, the motion to amend (Docket No. 39) is hereby **GRANTED**, the motion for leave to serve by publication (Docket No. 40) is **GRANTED**, and the motion to extend (Docket No. 41) is **GRANTED**.

Where good cause is shown, the time for serving the complaint is extended for an appropriate period. See Fed. R. Civ. P. 4(m). Service by publication implicates a defendant’s fundamental due process rights. See, e.g., *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314-15 (1950); *Price v. Dunn*, 787 P.2d 785, 787 (Nev. 1990). As a result, service by publication is generally

1 disfavored. *See, e.g., Trustees of the Nev. Resort Assoc.–Int’l Alliance of Theatrical Stage Employees*
2 *& Moving Picture Machine Operators v. Alumifax, Inc.*, 2013 U.S. Dist. Lexis. 106456, *2 (D. Nev.
3 July 29, 2013).

4 Federal Rule of Civil Procedure 4(e)(1) provides for service “pursuant to the law of the state in
5 which the district court is located, or in which service is effected.” Under Nevada Rule of Civil
6 Procedure (“NRCP”) 4, parties are required to personally serve summons and the complaint upon
7 defendants. When personal service proves impossible, however, NRCP 4(e)(1)(i) provides that a party
8 may file a motion for service by publication when the opposing party “resides out of the state, or has
9 departed from the state, or cannot, after due diligence be found within the state, or by concealment seeks
10 to avoid the service of summons.” When service of the summons is made by publication, the summons
11 shall, in addition to any special statutory requirements, also contain a brief statement of the object of
12 the action. NRCP 4(b).

13 A party moving for service by publication must seek leave of court by filing an affidavit
14 demonstrating she diligently attempted to serve the defendant. There are several factors courts consider
15 to evaluate a party’s due diligence, including the number of attempts made to serve the defendant at his
16 residence and other methods of locating defendants, such as consulting public directories and family
17 members. *See Price*, 787 P.2d at 786-87; *Abreu v. Gilmer*, 985 P.2d 746, 747 (Nev. 1999); *McNair v.*
18 *Rivera*, 874 P.2d 1240, 1241 (Nev. 1994).

19 Here, the Court finds that Counter-claimant SFR has diligently attempted to locate Cross-
20 claimant Holcomb to enable service. *See* Docket No. 41-1 (affidavit detailing service attempts).
21 Counter-claimant SFR has made inquiries into local phone records, voter registration records, property
22 records, motor vehicle records, and national databases. *Id.*, at 2, 4. Many of these data suggest
23 Cross-claimant Holcomb’s address is 4797 Ravello Dr., Sparks, NV 89436. Counter-claimant SFR
24 attempted to serve Cross-claimant Holcomb at this address six times. *Id.*, at 3. The Court will therefore
25 permit Counter-claimant SFR to serve Cross-claimant Holcomb by publication. Because service by
26 publication takes several weeks, the Court will also extend the service deadline.

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