

1 departed from the state, or cannot, after due diligence be found within the state, or by concealment seeks
2 to avoid the service of summons.” When service of the summons is made by publication, the summons
3 shall, in addition to any special statutory requirements, also contain a brief statement of the object of the
4 action. N.R.C.P. 4(b).

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

11 Here, the Court finds that Plaintiff has diligently attempted to locate Defendant to enable service.
12 *See, e.g.*, Docket No. 13 at 2, 6-9. For example, Plaintiff hired a process server who has attempted to
13 serve Defendant on numerous occasions. The process server attempted to serve Defendant at work,
14 conducted checks to determine his address, and attempted to serve him at more than one address several
15 times. Moreover, the process server spoke with Defendant’s sister, who would not reveal his
16 whereabouts, but took a message for him. Defendant telephoned the process server, and stated that he
17 will not accept service. The Court will therefore permit Plaintiff to serve Defendant by publication.

18 Accordingly, the Court **GRANTS** the motion for service by publication. Plaintiff shall comply
19 with the requirements of Nevada Rule of Civil Procedure 4 and shall:

- 20 (a) Serve Defendant Arthur Lindssey by publication in a newspaper of general
21 circulation in the State of Nevada on a weekly basis for a period of four weeks.
22 (b) After publication is complete, Plaintiff shall file an Affidavit of Publication from
23 the Nevada newspaper.

24 IT IS SO ORDERED.

25 DATED: January 5, 2016.

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NANCY J. KOPPE
United States Magistrate Judge