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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WELLS FARGO BANK,

Plaintiff,

v.

PROPERTIES PLUS INVESTMENTS, LLC,
et al.,

Defendants.

Case No. 2:16-cv-01393-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Response to Notice Regarding Intention to Dismiss Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure (ECF No. 24) and its Motion for Enlargement of Time (ECF No. 25), filed April 17, 2019.

On December 7, 2018, Plaintiff filed its Amended Complaint (ECF No. 17) against Alessi Koenig, LLC, Properties Plus Investments LLC, the Falls at Rhodes Ranch Condominium Owners Association, Inc., Pico Boulevard Group, LLC. On March 19, 2019, the Court entered a Notice of Intent to Dismiss pursuant to FRCP 4(m) (ECF No. 21) for failure to file proof of service as to Properties Plus Investments LLC, the Falls at Rhodes Ranch Condominium Owners Association, Inc., and Alessi & Koenig, LLC ("Original Defendants"). However, Plaintiff represents that personal service on the Original Defendants is not required for two reasons. First, the Original Defendants are presently in default for failing to appear and second, pursuant to Fed. R. Civ. P. 5(a)(2), Plaintiff is not required to personally serve a new pleading unless it asserts a new claim for relief against such party. *Motion* (ECF No. 25), at 2-3. Upon review of Plaintiff's amended Complaint, the Court agrees no additional claims have been added against the Original Defendants. Therefore, the Court will withdraw its Notice of Intent to Dismiss. Accordingly,

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IT IS HEREBY ORDERED that the Court withdraws its Notice of Intent to Dismiss pursuant to FRCP 4(m) (ECF No. 21).

IT IS FURTHER ORDERED that Plaintiff's Motion for Enlargement of Time (ECF No. 25) is denied as moot.

DATED: April 22, 2019



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE