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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WELLS FARGO FINANCIAL NEVADA 2, INC., )  
Plaintiff, )  
vs. )  
THE EAGLE AND THE CROSS, LLC, *et al.*, )  
Defendants. )

Case No. 2:16-cv-01775-JCM-GWF  
**ORDER**

This matter is before the Court on Defendant’s Motion to Extend Time to Serve (ECF No. 33), filed on June 27, 2017.

Pursuant to Fed. R. Civ. P. 6(b) and LR 6, extensions of time may be granted for good cause shown. Further, Rule 4(m) of the Federal Rules of Civil Procedure – which governs the time limit of service – allows the court to grant an extension of time for service if the plaintiff can show good cause for his failure to timely serve a defendant. Rule 4(e) of the Federal Rules of Civil Procedure provides that the state statutes in which the District Court is held are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic standard for determining what is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999).

Defendant/Counter-Claimant requests an extension of time to serve Counter-Defendant Doris E. Hurd and permission to serve by publication. Defendant/Counter-Claimant asserts it has

1 demonstrated due diligence by attempting to serve Doris Hurd at her last known addresses, 3156  
2 Sonata Drive, Las Vegas, NV 89121 and 3523 Buena Vista Drive, Las Vegas, NV 89121, with no  
3 success. Further, Defendant/Counter-Claimant performed searches of the county assessor's office,  
4 DMV, voter registration, and phone directory. *See* Affidavit of Due Diligence (ECF No. 32). The  
5 Court, therefore, finds that Defendant/Counter-Claimant has provided sufficient good cause to  
6 warrant a 90 day extension of time to serve and service by publication. Accordingly,

7 **IT IS HEREBY ORDERED** that Defendant's Motion to Extend Time to Serve (ECF No.  
8 33) is **granted**. Defendant shall have until **October 19, 2017** to effectuate service on Counter-  
9 Defendant Doris Hurd.

10 **IT IS FURTHER ORDERED** that Defendant/Counter-Claimant's request to serve  
11 Counter-Defendant by publication is **granted** as follows:

- 12 1. Counter-Defendant Hurd may be served by Defendant through publication of the  
13 summons and cross-claim in this case at least once a week for four (4) consecutive  
14 weeks in a newspaper of general circulation.

15 DATED this 19th day of July, 2017.

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18 GEORGE FOLEY, JR.  
19 United States Magistrate Judge  
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