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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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6 **STRUCTURED ASSEST MORTGAGE**
7 **INVESTMENTS II INC., et al.,**

8 **Plaintiffs,**

9 vs.

10 **PARCELNOMICS, LLC, et al.,**

11 **Defendants.**

2:17-cv-01583-JAD-VCF

12 **ORDER**

13 Before the Court is Plaintiff's Motion for Extension of Time to Serve and for Service by
14 Publication on Defendants Parcelnomics, LLC and Investment Deals. (ECF No. 25).

15 Under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response
16 to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a
17 consent to the granting of the motion. The time to file an opposition has passed. Here, it would seem that
18 Defendant Alan Chambers has consented to the granting to of the instant motion.

19 **Service By Publication**

20 Pursuant to Fed. R. Civ. P. 4(e)(1), "an individual – other than a minor, an incompetent person, or
21 a person whose waiver had been filed – may be served in a judicial district of the United States by
22 following state law for serving a summons in an action brought in courts of general jurisdiction in the state
23 where the district court is located or where service is made." Under Rule 4(e)(1) of the Nevada Rules of
24 Civil Procedure, "when the person on whom service is to be made resides out of the state, or has departed
25 from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid
the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge
thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action

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, it is unable to serve Parcelnomnics, LLC and
5 Investment Deals, a Nevada Fictitious Firm Name, of 3157 N. Rainbow Blvd., #248, Las Vegas, NV 89108
6 (“Investment Deals”) within the state of Nevada. (ECF No. 25). In support of this assertion, Plaintiff
7 provided the court with several affidavits of attempted services (ECF No. 25-1 and 25-2). The last known
8 address for Parcelnomnics and Investment Deals is 3157 N. Rainbow Blvd., #248, Las Vegas, Nevada
9 89108. Id. Service was unsuccessful at this address. Id.

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

14 **Extension For Service**

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

18 Plaintiff asserts that additional time is required to effect service, and asks this court to extend the
19 4(m) deadline. (ECF No. 25). The Complaint was filed on June 6, 2017, which makes September 4, 2017
20 the last day to effectuate service on Parcelnomnics and Investment Deals. Fed. R. Civ. P. 4(m).

21 Given that Plaintiff has demonstrated “good cause” for its failure to effectuate service and has
22 provided support for its request for an extension, the court will extend the 4(m) deadline, up to and
23 including November 27, 2017. See Fed. R. Civ. P. 4(m).

1 Accordingly, and for good cause shown,


2 IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to Serve and for Service
3 by Publication on Defendants Parcelnomics, LLC and Investment Deals (ECF No. 25) is GRANTED.

4 IT IS FURTHER ORDERED that copy of the Summons and Complaint must be mailed to
5 Parcelnomics, LLC and Investment Deals at their last known address by certified U.S. Mail, return receipt
6 requested.

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

10 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
11 including November 27, 2017.

12 DATED this 25th day of September, 2017.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE