

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JENNIFER LEAH PETERSON,
Plaintiff,
vs.
ESTATE OF BENJAMIN SOYARS III, et al.,
Defendants.

Case No. 2:17-cv-01622-JAD-CWH

ORDER

Presently before the court is Plaintiff Jennifer Leah Peterson's Motion to Extend Time for Service of Complaint Upon Defendant Extra Flugzeugbau (ECF No. 10), filed on July 25, 2017. No responses were filed.

Plaintiff requests an extension of time to serve Defendant Extra Flugzeugbau, arguing that this defendant is an entity operating out of Germany and that the 90-day service deadline set forth in Rule 4(m) of the Federal Rules of Civil Procedure does not apply to service on a foreign defendant. Plaintiff requests an additional 90 days to serve this defendant.

Rule 4(m) establishes the time for service on domestic defendants:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Rule 4(m) states that it does not apply to service in a foreign country. *Id.* Rather, Rules 4(h)(2) and Rule 4(f) govern service on a foreign business entity, and these provisions of the rule do not include a specific time limit for effectuating service. Given Plaintiff's representation that Defendant Extra Flugzeugbau is a foreign entity and that the 90-day service rule does not apply to service within a

1 foreign country, the court will grant Plaintiff's motion. Plaintiff has an additional 90 days from the
2 date of this order to serve this defendant.

3 IT IS THEREFORE ORDERED that Plaintiff Jennifer Leah Peterson's Motion to Extend
4 Time for Service of Complaint Upon Defendant Extra Flugzeugbau (ECF No. 10) is GRANTED.

5 IT IS FURTHER ORDERED that Plaintiff must serve Defendant Extra Flugzeugbau by
6 November 7, 2017.

7 IT IS FURTHER ORDERED that the Clerk of Court's Notice of Intent to Dismiss Under
8 Rule 4(m) (ECF No. 9) is VACATED.

10 DATED: August 10, 2017

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12 C.W. Hoffman, Jr.
13 United States Magistrate Judge