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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, et al.,

Plaintiffs,

vs.

OPERTURE, INC., et al.,

Defendants.

2:17-cv-01646-JAD-VCF

ORDER

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Before the Court is Plaintiff's Motion for Extension of Time to Serve and for Service by Publication on Defendants Parcelnomics, LLC and Fallbrook Property, LLC ("Fallbrook"). (ECF No. 10).

Service By Publication

Pursuant to Fed. R. Civ. P. 4(e)(1), "an individual – other than a minor, an incompetent person, or a person whose waiver had been filed – may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." Under Rule 4(e)(1) of the Nevada Rules of Civil Procedure, "when the person on whom service is to be made resides out of the state, or has departed 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 exists against the defendant in respect to whom the service is to be made, and that the defendant is a necessary or proper party to the action, such court or judge may grant an order that the service be made by the publication of summons."

1 Plaintiff asserts that the after diligent effort, it is unable to serve Parcelnomnics, LLC and Fallbrook
2 within the state of Nevada. (ECF No. 10 at p. 3). In support of this assertion, Plaintiff provided the court
3 with an affidavit of attempted service on Parcelnomnics. (ECF No. 10-2). The last known address for
4 Parcelnomnics is 3157 N. Rainbow Blvd., #248, Las Vegas, Nevada 89108. Id. Service was unsuccessful
5 at this address. Id.

6 No affidavit was provided for Fallbrook. An affidavit of due diligence must be filed for Fallbrook
7 since an email detailing the service result is not sufficient. NRC P 4(e)(1).

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

12 Service by publication on Fallbrook is denied without prejudice.

13 **Extension For Service**

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

17 Plaintiff asserts that additional time is required to effect service, and asks this court to extend the
18 4(m) deadline. (ECF No. 10). The Complaint was filed on June 13, 2017, which makes September 11,
19 2017 the last day to effectuate service on Parcelnomnics and Investment Deals. Fed. R. Civ. P. 4(m).

20 Given that Plaintiff has demonstrated “good cause” for its failure to effectuate service and has
21 provided support for its request for an extension, the court will extend the 4(m) deadline, up to and
22 including November 28, 2017. See Fed. R. Civ. P. 4(m).

23 Accordingly, and for good cause shown, IT IS HEREBY ORDERED that Plaintiff’s Motion for
24 Extension of Time to Serve and for Service by Publication on Defendants Parcelnomnics, LLC and
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1 Fallbrook Property, LLC (ECF No. 10) is GRANTED in part and DENIED in part. Service by publication
2 on Fallbrook is denied without prejudice.

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

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

8 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
9 including November 28, 2017 for Parcelnomics and Fallbrook.

10 DATED this 28th day of September, 2017.



11 _____
12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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