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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WYNN RESORTS HOLDINGS, LLC,
Plaintiff,
vs.
2335 LLC and ABEBA BEYENE,
Defendants.

Case No. 2:17-cv-01703-JCM-GWF

ORDER

This matter is before the Court on Plaintiff’s Motion to Extend Time (ECF No. 9) and Motion to Serve by Publication (ECF No. 11), filed on September 18, 2017.

Pursuant to Fed. R. Civ. P. 4(e), 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).

Plaintiff asserts that it has shown due diligence by making several attempts at effectuating personal service on Defendants 2335 LLC and Abeba Beyene at their last known physical addresses: 1) 1215 1st St., NE, #11H, Washington, DC 20002 and 2) 2335 Bladensburg Rd., NE Washington, DC 20018. *See Motion* (ECF No. 9). However, despite these efforts, Plaintiff argues that Defendants have evaded service and even called the local police department in an attempt to avoid service from Plaintiff’s process server. *Id.* Further, Plaintiff stated that it has attempted to serve Defendants through their counsel, who stated he did not have the authority to receive process. The

1 Court finds that Plaintiff has demonstrated due diligence in attempting service on Defendants 2335
2 LLC and Abeba Beyene that would warrant permitting service by publication. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Extend Time (ECF No. 9) and
4 Motion to Serve by Publication (ECF No. 11) are **granted**. Defendants 2335 LLC and Abeba
5 Beyene may be served by Plaintiff through publication of the summons and complaint in this case at
6 least once a week for four (4) consecutive weeks in the Nevada Legal News, which is a newspaper
7 of general circulation published in Las Vegas, Nevada as well as in a publication of general
8 distribution in Washington, D.C.

9 **IT IS FURTHER ORDERED** that Plaintiff shall deposit a copy of the summons and
10 complaint in the post office via first class certified mail, directed to Defendants 2335 LLC and
11 Abeba Beyene's last known physical addresses: 1) 1215 1st St., NE, #11H, Washington, DC 20002
12 and 2) 2335 Bladensburg Rd., NE Washington, DC 20018.

13 **IT IS FURTHER ORDERED** that Plaintiff shall send Defendants a copy of the summons
14 and complaint via electronic mail to the following addresses: 1) xsnightclubdc@gmail.com, 2)
15 mimibirru@yahoo.com, and 3) Abarlow@dbmlawgroup.com.

16 **IT IS FURTHER ORDERED** that to the extent that Defendant Beyene is not Defendant
17 2335 LLC's registered agent for purposes of service of process, Plaintiff should follow any
18 applicable procedures that DC law requires for service of process on an limited liability company.

19 **IT IS FURTHER ORDERED** that Plaintiff shall have until **December 18, 2017**, to
20 complete service upon Defendants 2335 LLC and Abeba Beyene.

21 DATED this 19th day of September, 2017.

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24 GEORGE FOLEY, JR.
25 United States Magistrate Judge
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