

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON, ) Case No. 2:17-cv-02006-RFB-GWF  
Plaintiff, )  
vs. )  
WASHINGTON & SANDHILL HOMEOWNERS )  
ASSOCIATION, *et al.*, )  
Defendants. )  
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**ORDER**

This matter is before the Court on Plaintiff's Motion for Service by Publication and Enlarging Time for Service of Process (ECF No. 22), filed on October 25, 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). Pursuant to Fed. R. Civ. P. 6(b) and LR 26-4, extensions of time may be granted for good cause shown.

Plaintiff requests permission to serve Defendant CSC Acquisition & Holding Group LLC by publication. Plaintiff represents that it demonstrated due diligence by making several attempts to serve Defendant. The Court, therefore, finds that Plaintiff has provided sufficient good cause to warrant service by publication and will grant Plaintiff until **December 30, 2017** to effectuate service. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Service by Publication and Enlarging Time for Service of Process (ECF No. 22) is **granted**. Plaintiff shall have until **December 30, 2017** to effectuate service on Defendant CSC Acquisition & Holding Group LLC. Defendant may be served through publication of the summons and Complaint in this case at least once a week for four (4) consecutive weeks in a newspaper of general circulation.

DATED this 30th day of October, 2017.

George Foley Jr.  
GEORGE FOLEY, JR.  
United States Magistrate Judge