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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE BANK OF NEW YORK MELLON,

Plaintiff,

v.

GREEN VALLEY SOUTH OWNERS
ASSOCIATION NO. 1, *et al.*,

Defendants.

Case No. 2:17-cv-02024-KJD-GWF

ORDER

This matter is before the Court on Cross-Claimant SFR Investments Pool 1, LLC's ("SFR") Motion to Serve Dennis E. Carroll by Publication (ECF No. 41), and Motion to Enlarge Time to Serve Summons and Cross-Claim (ECF No. 42), filed January 31, 2019.

Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is located are followed in matters pertaining to service of summons by publication. Nev. R. Civ. 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).

SFR argues that it has shown due diligence. SFR, through the use of a legal process service, represents that it has attempted to serve Cross-Defendant Dennis E. Carroll ("Mr. Carroll") on at least five occasions. SFR attempted to locate all addresses associated with Mr.

1 Carroll in Nevada, and even submitted a request for information to the U.S. Postal Service in an
2 attempt to obtain a current address.

3 Based on the foregoing, the Court finds that SFR has demonstrated due diligence that
4 warrants an order allowing Mr. Dennis E. Carrol to be served by publication. Accordingly,

5 **IT IS HEREBY ORDERED** that Cross-Claimant SFR Investments Pool 1, LLC's
6 ("SFR") Motion to Serve Dennis E. Carroll by Publication (ECF No. 41), and Motion to Enlarge
7 Time to Serve Summons and Cross-Claim (ECF No. 42) are **granted**. Cross- Defendant, Mr.
8 Dennis E. Carroll, may be served by SFR through publication of the summons and complaint in
9 this case at least one a week for four (4) consecutive weeks in the Nevada Legal News which is a
10 newspaper in a general circulation published in Las Vegas, Nevada.

11 **IT IS FURTHER ORDERED** that SFR shall have until 60 days from the entry of this
12 Order to complete service upon Cross Defendant Mr. Dennis E. Carroll.

13 Dated this 1st day of February, 2019.

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17 GEORGE FOLEY, JR.
18 UNITED STATES MAGISTRATE JUDGE
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