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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 BOARD OF TRUSTEES OF THE
14 ELECTRICAL WORKERS HEALTH AND
15 WELFARE TRUST,

16 Plaintiff,

17 v.

18 VIRGINIA BUSTELOS,

19 Defendant.

CASE NO.: 2:17-cv-03058-GMN-PAL

**PROPOSED ORDER GRANTING
MOTION FOR EXTENSION OF TIME
FOR SERVICE OF PROCESS AND
FOR SERVICE BY PUBLICATION**

20 This matter comes before the court on Plaintiff’s, the Board of Trustees of the Electrical
21 Workers Health and Welfare Trust (“Trust”), Motion for Extension of Time for Service of
22 Process and for Service by Publication. The current deadline for service is March 13, 2018. The
23 Trust seeks an extension of the deadline to June 11, 2018, and leave for service by publication.

24 Federal Rule of Civil Procedure (4)(e)(1) permits service pursuant to the law of the state
25 where the district court is located and Fed. R. Civ. P. Rule 4(m) permits an extension of time for
26 service upon a showing of good cause. Nevada Rule of Civil Procedure 4(e)(1)(i) permits service
27 by publication by court order if (1) the person on whom service is to be made cannot be found
28 within the state; (2) a cause of action exists against that person; and (3) the person is a necessary
or proper party to the action.

The Court finds that the Trust has diligently attempted to serve Defendant Virginia
Bustelos (“Ms. Bustelos”), a cause of action exists against Ms. Bustelos, and Ms. Bustelos is a
proper party to the action. The Court also finds that the Trust established good cause for an

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extension of time to permit service by publication.

IT IS HEREBY ORDERED that the Trust's Motion for Extension of Time for Service of Process (ECF No. 6) and for Service by Publication (ECF No. 7) is granted.

IT IS FURTHER ORDERED that the summons shall be published at least once a week in the Nevada Legal News, for a total of four weeks, and a copy of the summons and complaint be a mailed to 6100 Vicki Ann Road, Pahrump, Nevada 89408, in accordance with Nevada Rule of Civil Procedure (4)(e)(1)(iii).

IT IS FURTHERED ORDERED that service shall deemed complete at the expiration of four weeks of publication in the Nevada Legal News or four weeks after mailing a copy of the complaint and summons to 6100 Vicki Ann Road, Pahrump, Nevada 89408, whichever event occurs later.

IT IS FURTHERED ORDERED that the deadline to serve is extended ninety (90) days, from March 13, 2018, to June 11, 2018.

DATED this 21st day of March, 2018.


UNITED STATES DISTRICT COURT JUDGE/
UNITED STATES MAGISTRATE JUDGE

Submitted by:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Christopher M. Humes

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