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 Nevada State Bar No. 14687
 2 KRISTOPHER S. PRE, ESQ.
 Nevada State Bar No. 14106
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 Nevada State Bar No. 4414
 4 **NEVADA LEGAL SERVICES, INC.**
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Attorneys for Peggy Thornton

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA
ex rel. PEGGY THORNTON, Relator,

No.: 2:21-CV-01123

13 and

MOTION TO ENLARGE TIME TO
SERVE SUMMONS
AND COMPLAINT – 6th REQUEST

14 PEGGY THORNTON,

15 Plaintiff,

16 v.

17
 18 PORTOLA DEL SOL OPERATOR, LLC, a
 19 foreign limited-liability company; TMIF II
 20 PORTOLA, LLC, a foreign limited-liability
 21 company; APARTMENT MANAGEMENT
 22 CONSULTANTS, LLC, a foreign limited
 liability company, and RENE
 RICHARDSON, as AGENT of PORTOLA
 23 DEL SOL OPERATOR, LLC.

24 Defendants.

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 27 COMES NOW, Plaintiff, Peggy Thornton, by and through her attorneys, Elizabeth S.
 28 Carmona, Esq., Kristopher S. Pre, Esq., and Peter C. Wetherall, Esq., of Nevada Legal Services,

1 Inc., moves this Court for an Order extending time to serve the Summons and Complaint on the
2 Defendant Rene Richardson.

3 **POINTS AND AUTHORITIES**

4 **I. STATEMENT OF FACTS**

5 On June 14, 2021, Plaintiff filed her qui tam Complaint under seal. This Court previously
6 granted three Motions to Enlarge Time to Serve Summons and Complaint based on an extensive
7 1.5 year-long investigation by the Department of Justice while the Complaint was under seal.
8 Once the Department of Justice concluded its investigation and elected not to intervene, the
9 Court unsealed the Complaint and set a service deadline for March 9, 2023. Plaintiff then,
10 diligently, began service.

11 Earlier this year, Plaintiff successfully served Defendants Portola Del Sol Operator, LLC,
12 TMIF II Portola, LLC, and Apartment Management Consultants, LLC; however, Plaintiff has
13 experienced significant challenges surrounding the service of Defendant Rene Richardson.
14 Plaintiff hired Junes Legal Services, Inc. (“Junes”), to serve Defendant Rene Richardson, but the
15 initial attempt was unsuccessful. Plaintiff then began conducting significant research regarding
16 the whereabouts of Defendant Rene Richardson, but had to enlist the assistance of Junes to
17 perform a “skip trace” when internal research failed to produce any helpful information. The
18 Junes skip trace also proved to be inconclusive based on Plaintiff’s limited knowledge of her
19 demographics and the common nature of her name.

20 Based on these challenges, on March 7, 2023, Plaintiff filed a Motion to Extend Time to
21 Serve Defendant Rene Richardson, which the Court granted on March 8, 2023. Since the Court’s
22 March 8, 2023 Order, Plaintiff has diligently continued her efforts to serve Defendant Rene
23 Richardson. Junes attempted service at three local properties managed by Rene Richardson’s
24 previous employer, Defendant Apartment Management Consultants, LLC. When the local
25 service attempts were unsuccessful, Plaintiff hired a Utah process server to attempt service at the
26 Apartment Management Consultants, LLC, headquarters in Utah. The Utah service attempt was
27 also unsuccessful.

1 Plaintiff then reached out to counsel for Apartment Management Consultants, LLC, and
2 asked whether they would agree to accept service on Rene Richardson's behalf but received no
3 response. On July 6, 2023, Plaintiff filed a Motion to Extend Time to Serve Defendant Rene
4 Richardson, which the Court granted on July 7, 2023, allowing until October 7, 2023, to serve
5 Defendant Rene Richardson.

6 On September 25, 2023, Plaintiff filed a Motion for Service by Publication, which this
7 Court granted on September 29, 2023. As part of its Order, this Court ordered Plaintiff to publish
8 the Summons and Complaint in the Las Vegas Review Journal at least once a week for a period
9 of four weeks, with service to be deemed complete four weeks from the date of first publication.
10 Plaintiff is now in the process of arranging said publication.

11 **II. ARGUMENT**

12 Pursuant to Federal Rule of Civil Procedure 4(m), if a plaintiff shows good cause for the
13 failure to serve a defendant within 90 days, the court must extend the time for service for an
14 appropriate period. Good cause is present here, as this Court recently ordered that Plaintiff can
15 serve Defendant Rene Richardson by publication and said publication will not be completed by
16 October 7, 2023. Therefore, Plaintiff requests that this Court issue an Order to Enlarge Time to
17 Serve Summons and Complaint on Defendant Rene Richardson in this matter.

18 **CONCLUSION**

19 Wherefore, based on the above points and authorities, Plaintiff respectfully requests an
20 Order enlarging time for service in regard to Defendant Rene Richardson.

21 DATED this 3rd day of October, 2023.

22 Respectfully Submitted,
23 **NEVADA LEGAL SERVICES, INC.**

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FILED UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)(2)

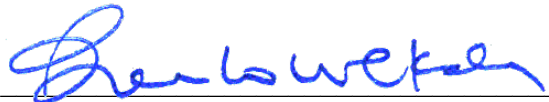
No.: 2:21-CV-01123

ORDER TO ENLARGE TIME TO SERVE
SUMMONS AND COMPLAINT – 6th
REQUEST

16 Upon consideration of the declaration of Plaintiff and good cause appearing,

17 **IT IS HEREBY ORDERED** that time within which to serve Defendant Rene
18 Richardson with the Summonses and Complaint is extended to the 11 day of
19 November, 2023.

20 DATED this 4 day of October, 2023.

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24 U.S. Magistrate Judge

25 Respectfully Submitted,
26 NEVADA LEGAL SERVICES, INC.

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8 *Attorneys for Peggy Thornton*

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