

Amy J. Smith, Esq.
Nevada Bar No. 14954
AJS LEGAL
2920 N Green Valley Pkwy
Bldg 5 Ste 524
Henderson NV 89014
(725) 214-0460
amy@ajslegalnv.com

Counsel for Plaintiff
Ye Li as trustee of the 688 Lee Family Trust

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

YE LI AS TRUSTEE OF THE 688 LEE
FAMILY TRUST,

Case No.: 2:22-cv-00038-JCM-EJY

Plaintiff,

vs.

WU YUYING,

Defendant.

~~[PROPOSED]~~ ORDER EXTENDING TIME FOR SERVICE

Plaintiff YE LI (“Plaintiff” or “Li”) filed his Complaint for Quiet Title on January 7, 2022 (ECF N. 1). The Summons was issued on January 21, 2022. (ECF No. 7).

On April 25, 2022, the Clerk issued a Notice Regarding Intention to Dismiss Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (ECF No. 8) On May 1, 2022, in response to the Clerk’s Notice, Li filed a Motion to Extend Time for Service. (ECF No. 10).

An individual in a foreign country may be served “by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.” FRCP 4(f)(1).

“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be madeS within a specified time.” FRCP 4(m). However, “subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).” *Id.* If a plaintiff shows

1 good cause for failing to file the complaint within 90 days after the complaint is filed, “the court
2 *must* extend the time for service for an appropriate period.” FRCP 4(m) (emphasis added).

3 Rule 4(m) does not apply here, because Yuying is an individual residing in China. As
4 such, Li may serve Yuying under FRCP 4(f). Based on the affidavit of Maria Gutierrez, President
5 of Judicial Process and Support, Inc., this Court finds Plaintiff Li has acted diligently in his
6 efforts to effect serve upon Yuying in China pursuant to FRCP 4(f) and the Hague Convention.
7 This Court finds that 12 months is an appropriate period for Plaintiff to serve the Defendant.

8 Therefore, the time within which to serve the Defendant WU YUYING within the
9 Summons and Complaint is hereby extended an additional 9 months, to and includes the 21th
10 day of January, 2023. If Plaintiff requires additional time, he must file a motion before the
11 deadline to serve Defendant, setting forth the efforts taken to attempt service and setting forth
12 good cause for extending the deadline further.

13 IT IS SO ORDERED.

14 DATED this 10th day of May, 2022.

15
16 
17 UNITED STATES MAGISTRATE JUDGE

18 Respectfully Submitted By:

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20 **AJS LEGAL**

21
22 /s/ Amy J. Smith
23 Amy J. Smith, Esq.
24 2920 N Green Valley Pkwy
25 Bldg 5 Ste 524
26 Henderson NV 89014
27 (725) 214-0460
28 amy@ajslegalnv.com

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