

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 BOARD OF TRUSTEES OF THE  
10 EMPLOYEE PAINTERS' TRUST, *et al.*,

11 Plaintiffs,

12 v.

13 YOUNG'S GLASS CO. LLC., *et al.*,

14 Defendants.

CASE NO. C18-0784-JCC

ORDER

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16 This matter comes before the Court on Plaintiffs' *ex parte* motion for leave to serve  
17 Michael Patrick Young by publication and by mail (Dkt. No. 28). Having thoroughly considered  
18 the briefing and the relevant record, the Court hereby GRANTS the motion for the reasons  
19 explained herein.

20 A plaintiff may, among other methods, serve a defendant located in the United States by  
21 "following state law for serving a summons in an action brought in courts of general jurisdiction  
22 in the state where the district court is located or where service is made." Fed. R. Civ. P. 4(e)(1).  
23 In Washington, service by publication is permitted under limited circumstances such as when a  
24 defendant who is a resident of Washington (1) cannot be found within the state, despite the  
25 plaintiff's diligence, and (2) "keeps himself or herself concealed" within the state "with intent to  
26 . . . avoid the service of a summons." *See* Wash. Rev. Code § 4.28.100. Service by mail is


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1 permissible when the circumstances would justify service by publication and the defendant is  
2 likely to receive actual notice. Wash. Super. Ct. Civ. R. 4(d)(4); *Rolf v. United States*, 2007 WL  
3 445449, slip op. at 3 (W.D. Wash. 2007).

4 Plaintiffs have made diligent efforts to serve Mr. Young at multiple residences in  
5 Washington. (*See* Dkt. Nos. 28-1–28-12.) Plaintiffs have discovered—through corporate records,  
6 Westlaw searches, and government records—multiple addresses, phone numbers, and email  
7 addresses that Mr. Young may be reached at. (*Id.*) Plaintiffs have visited these addresses on  
8 multiple occasions, spoken to neighbors and Mr. Young’s ex-wife, called phone numbers, and  
9 attempted to email Mr. Young. (*Id.*) Young’s Glass, Mr. Young’s business, was properly served.  
10 (Dkt. Nos. 1 at ¶ 13, 23.) Plaintiffs have made diligent efforts to find Mr. Young, despite being  
11 unsuccessful, and Plaintiffs’ extensive efforts tend to indicate that Mr. Young is concealing  
12 himself in order to avoid service.

13 For the foregoing reasons, Plaintiffs’ *ex parte* motion for leave to serve Michael Patrick  
14 Young by publication and mail (Dkt. No. 28) is GRANTED.

15 DATED this 13th day of November 2018.

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19 John C. Coughenour  
20 UNITED STATES DISTRICT JUDGE  
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