

2840

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

CITY OF RENO, a political subdivision of the  
State of Nevada,

Plaintiff,

v.

WASHOE COUNTY, NEVADA, a political  
subdivision of the State of Nevada; DAVANTI  
INVESTMENT,, LLC, a Nevada limited  
liability company; STEWART TITLE OF  
NORTHERN NEVADA; et al.,

Defendants.

Case No. CV24-02376

Department No.: 4

**ORDER GRANTING 1) PLAINTIFF CITY OF RENO'S MOTION TO ENLARGE TIME  
TO SERVE SUMMONS AND COMPLAINT [SECOND REQUEST; 2) GRANTING EX  
PARTE MOTION FOR SERVICE BY PUBLICATION; AND 3) EX PARTE MOTION FOR  
SERVICE OF DEFENDANTS PURSUANT TO NRCP 4.2(c)(3)**

On October 16, 2024, Plaintiff CITY OF RENO (hereinafter "CITY"), by and through its attorney, Karl H. Hall, Reno City Attorney, Jasmine K. Mehta, Deputy City Attorney and Holly S. Parker, Deputy City Attorney, filed a *Complaint* alleging quiet title and declaratory relief concerning the real properties listed in the Complaint. On October 28, 2024, the CITY filed a *Notice of Pendency of Action (Lis Pendens)*.

On December 6, 2024, the CITY filed an *Acceptance of Service* wherein Defendant WASHOE COUNTY, NEVADA (hereinafter "WASHOE COUNTY"), by and through its attorney, Michael W. Large, Deputy District Attorney, acknowledged receipt and accept service of the Summons and Verified Complaint on December 6, 2024. On December 18, 2024, WASHOE COUNTY filed a *Notice of Disclaimer of Interest*.

1           On December 23, 2024, CITY filed *Plaintiff City of Reno's Motion to Enlarge Time to*  
2 *Serve Summons and Complaint* wherein the CITY requests an additional 90 days to effectuate  
3 service upon the remaining Defendants. In support of its motion, the CITY states that it has been  
4 investigating the location of Defendants to serve them by traditional means, some of the corporate  
5 Defendants are no longer active entities, and many of the individuals may be difficult to locate due  
6 to the passage of time, and the CITY may need to file a motion to serve by publication. As such, to  
7 allow sufficient time to complete its investigation, attempt service by traditional means, and file a  
8 motion to serve by publication, the CITY requests a 90-day extension until May 14, 2025 to serve  
9 the Defendants with the summons and complaint. Thereafter, the matter came to the Court's  
10 attention. On January 6, 2025, the Court entered an *Order Granting Plaintiff City of Reno's Motion*  
11 *to Enlarge Time to Serve Summons and Complaint*.

12           On January 7, 2025, the CITY filed a *Notice of Posting* evidencing proof of posting of a  
13 copy of the Summons, Complaint and Notice of Pendency of Action (Lis Pendens) on the property  
14 located at 0 Riverside Drive, Reno, Nevada on December 30, 2024.

15           On February 3, 2025, the CITY filed a *Notice of Disclaimer* as to Defendant Nicholas  
16 Pereos as Trustee of the 1980 Restated Pereos Family Trust (hereinafter the "1980 PEREOS  
17 TRUST").

18           On March 25, 2025, CITY, WASHOE COUNTY, and the 1980 PEREOS TRUST, filed a  
19 *Stipulation to Grant City of Reno Leave to File a First Amended Complaint*. On March 28, 2025,  
20 the Court entered an *Order Granting Stipulation to Grant City of Reno Leave to File First Amended*  
21 *Complaint*.

22           On April 2, 2025, the CITY filed its *First Amended Complaint to Quiet Title to Real*  
23 *Property*.

24           On April 16, 2025, the CITY filed a *Waiver of Service of Summons Under Rule 4.1 of the*  
25 *Nevada Rules of Civil Procedure* and a *Notice of Disclaimer [Defendant James B. Hoepfner]* of  
26 Defendant JAMES B. HOEPPNER. Also, on April 16, 2025, the CITY filed a *Waiver of Service of*  
27 *Summons Under Rule 4.1 of the Nevada Rules of Civil Procedure* and a *Notice of Disclaimer*  
28

1 *[Defendant Christi L. Mahoney, as Trustee of the Christi L. Mahoney Revocable Trust Dated July*  
2 *29, 2003]*

3 On April 22, 2025, the CITY filed a *Notice of Disclaimer [Defendant Diana G. Michael], a*  
4 *Notice of Disclaimer [Defendant Robert W. Michael], a Notice of Disclaimer [Defendant Tooran K.*  
5 *Lajvardi as Trustee of The Lajvardi Family Trust], a Notice of Disclaimer [Defendant Daniel H.*  
6 *Kim], a Notice of Waivers of Service [Defendants Diana G. Michael; Robert W. Michael; Tooran*  
7 *K. Lajvardi, as Trustee of The Lajvardi Family Trust].*

8 On May 1, 2025, the CITY filed a *Notice of Waivers of Service [Defendants Treeview LLC,*  
9 *John Anson, Diane Goebel Edwards, Diane Goebel, HMK Holdings LLC], a Notice of Disclaimer*  
10 *[Defendant John Anson], a Notice of Disclaimer [Defendant Diane Goebel Edwards], a Notice of*  
11 *Disclaimer [Defendant Diane Goebel], a Notice of Disclaimer [Defendant Diane Goebel Edwards],*  
12 *a Notice of Disclaimer [Defendant HMK Holdings, LLC], a Notice of Disclaimer [Defendant Diane*  
13 *Goebel Edwards], a Notice of Disclaimer [Defendant Stewart Title Company, as successor in*  
14 *interest to Stewart Title of Northern Nevada], a Notice of Disclaimer [Defendant Treeview LLC],*  
15 *and a Notice of Disclaimer [Defendant Western Title Company, Inc.].*

16 On May 6, 2025, the CITY filed a *Notice of Disclaimer [Defendant Jeffrey A. Lundahl,*  
17 *Architech, Ltd.], a Notice of Disclaimer [Defendant Barbara G. Smith], and a Notice of Waiver of*  
18 *Service [Defendant Barbara G. Smith].*

19 On May 7, 2025, the CITY filed a *Proof of Service* evidencing proof of service of process of  
20 a copy of the Summons, Complaint to Quiet Title to Real Property, Notice of Pendency of Action  
21 and a letter upon Defendant WASHOE COUNTY, NEVADA on December 6, 2024, Defendant  
22 JEFFREY A. LUNDAHL, ARCHITECH, LTD., dba COLLABORATIVE DESIGN STUDIO on  
23 December 27, 2024, Defendant WESTERN TITLE COMPANY, INC. on December 27, 2024,  
24 Defendant C. NICHOLAS PEREOS, AS TRUSTEE OF THE 1980 RESTATED PEREOS  
25 FAMILY TRUST on December 30, 2024, Defendant TRISH RIPPIE REALTY, INC. MONEY  
26 PURCHASE PLAN and a copy of the Summons, First Amended Complaint to Quiet Title to Real  
27 Property, Notice of Pendency of Action, and letter upon Defendant STEWART TITLE COMPANY  
28 on April 11, 2025,

1           On May 12, 2025, *Plaintiff City of Reno's Ex Parte Motion to Enlarge Time to Serve*  
2 *Summons and Complaint [Second Request], Declaration of Jasmine K. Mehta in Support of*  
3 *Plaintiff City of Reno's Ex Parte Motion to Enlarge Time to Serve Summons and Complaint*  
4 *[Second Request]*. Thereafter, the matter was submitted for the Court's consideration.

5           On May 14, 2025, the CITY filed a *Notice of Disclaimer [Defendants Winstrom Properties,*  
6 *Inc., First Savings Bank FBO John Anson IRA, First Savings Bank as Custodian for Anthony*  
7 *Aufiere IRA Rollover, First Savings Bank, as Custodian of the Clement Herred IRA, First Savings*  
8 *Bank FBO Jerry L. Matthews IRA, First Savings Bank as Custodian of the Aaron McCoy IRA, and*  
9 *First Savings Bank as Custodian of the Morgan Parry IRA]*, and a *Notice of Waiver of Service*  
10 *[Defendants Winstrom Properties, Inc., First Savings Bank FBO John Anson IRA, First Savings*  
11 *Bank as Custodian for Anthony Aufiere IRA Rollover, First Savings Bank, as Custodian of the*  
12 *Clement Herred IRA, First Savings Bank FBO Jerry L. Matthews IRA, First Savings Bank as*  
13 *Custodian of the Aaron McCoy IRA, and First Savings Bank as Custodian of the Morgan Parry*  
14 *IRA]*.

15           Also, on May 14, 2025, the CITY filed an *Ex Parte Motion for Service by Publication*  
16 wherein the CITY requests service of the following persons or entities via publication:

17           Deceased Parties

- 18           1)     Bette Conn, as Trustee of the Conn Family Trust,
- 19           2)     Gerald and Lucette Dowling, as Trustees of the Gerald and Lucette Dowling Trust  
20                 dated July 6, 1999,
- 21           3)     Kenneth Ferrara as Trustee of the Kenneth Ferrara Living Trust dated  
22                 April 24, 2000,
- 23           4)     Charles W. Joerg as Trustee of the Melvin W. Joerg Testamentary Trust,
- 24           5)     The Rudolf Wolf Revocable Trust dated October 30, 2002,
- 25           6)     Norma Lally, as Trustee of the Norlin Living Trust dated March 20, 1998 and  
26                 the Norma Lally Living Trust,
- 27           7)     Leonard and Millicent Massaro as Trustees of the Leonard & Millicent Massaro  
28                 Revocable Family Trust,

- 1 8) Judith K. Moore,  
2 9) Ann Perrill,  
3 10) Ilse Ruhl as Trustee of the Ruhl Bypass Trust,  
4 11) William L. Scheer, as Trustee of the William L. Scheer and Mary L. Scheer  
5 Revocable Living Trust,  
6 12) BG Smith, as Trustee of the BG Smith Family Trust,  
7 13) Paul Moiseyev, as Trustee of the Moiseyev Family Trust,  
8 14) Eileen G. Desrochers, as Trustee of the Raymond A. Desrochers and Eileen G.  
9 Desrochers Revocable Trust of April 26, 2005, 15) Arthur Herman,  
10 16) Morgan Perry,

11 Out of State Parties

- 12 17) Richard L. Dame, as an individual and Trustee of the Sean Michael Dame Trust 1,  
13 the Dame Family Trust 1, the Alicia Swapp Dame Trust,  
14 18) Arthur M. and Gail S. Herman, as joint tenants with right of survivorship,  
15 19) Raymond A. Desrochers and Eileen G. Desrochers as Trustees of the Raymond A.  
16 Desrochers and Eileen G. Desrochers Revocable Trust of April 26, 2005,  
17 20) Robert E. Dinges as Trustee of the Dinges Family Trust,  
18 21) Betty A. Goebel,  
19 22) Marcy Gendel,  
20 23) Judith J. Perles,  
21 24) Going to California, LLC, Diamonds and Rust Series, Jeffrey H. Katz, Manager,

22 Persons Unable to Be Located

- 23 25) Norma Lally, as Trustee of the Norlin Living Trust, dated March 20, 1998,  
24 26) Norma Lally, as Trustee of the Norma Lally Living Trust,  
25 27) Bridget A. Milano,  
26 28) Anthony Aufiere,  
27 29) Jerry L. Matthews,  
28 30) Aaron McCoy,

1 31) Bones McCoy LLC,

2 32) Judith Moore,

3 33) Robert C. Shively as Trustee of the Shively Family Trust,

4 34) John P. Ulrich,

5 Notice and Waiver Packet Returned or USPS Tracking States Undeliverable

6 35) Brent D. Archibald as Trustee for the Archibald Family Trust,

7 36) Jim Avance,

8 37) Brenda S. Bolton,

9 38) Derek A. Duke and Christina L. Duke as Trustees of the Duke Family Trust  
10 dated April 23, 2002,

11 39) Susan Hansen,

12 40) Ray Hansen,

13 41) Anne Moiseyev, as Trustee of the Moiseyev Family Trust,

14 42) Jeffrey T. McLain,

15 43) Kimberly A. McClain,

16 44) Douglas Robertson and M. Jeanne Robertson as Trustees of the Robertson  
17 Family Trust UAD January 24, 1996,

18 45) Terry F. Bunker Family Limited Partnership,

19 46) Bones McCoy, LLC,

20 47) Davanti Investments, LLC,

21 Defunct Nevada Business Entities

22 48) Bones McCoy LLC (permanently revoked),

23 49) ELP Capital, Inc. (permanently revoked),

24 50) ELP TD Holdings, LLC (dissolved),

25 51) Equity Lending Partners, LLC (dissolved),

26 52) Davanti Investments, LLC (permanently revoked),

27 53) Phil Frink & Associates, Inc. (permanently revoked),

28 54) Terry F. Bunker Family Limited Partnership (permanently revoked),

1           Other Defendants

2           55)    Geri Sellon, 2183 Oliver Springs Street, Henderson, Nevada 89052,

3           56)    Clement Herred, 5880 Alfano Ave., Pahrump, Nevada 89061,

4           57)    Daniel B. Brower and Jeanne M. Brower as Trustee of The D.B. and J.M. Brower  
5                Family Revocable Living Trust, dated February 27, 1991, 987 Tahoe Blvd., Incline  
6                Village, Nevada 89451,

7           58)    Mary L. Scheer as Trustee of The William L. Scheer and Mary L. Scheer Revocable  
8                Living Trust, 285 Elder View Dr., Las Vegas, Nevada 89138-5011, and

9           59)    Terry F. Bunker Family Limited Partnership, 2968 Sun Lake Dr., Las Vegas,  
10               Nevada 89128.

11           Thereafter, the matter was submitted for the Court's consideration. Also, on May 14, 2025,  
12           the CITY filed an *Ex Parte Motion for Service of Defendants [Defendants Bones McCoy LLC; Phil*  
13           *Frink & Associates, Inc; ELP Capital, Inc.; ELP TD Holdings, LLC; Equity Lending Partners,*  
14           *LLC; Davanti Investments, LLC; and Terry F. Bunker Family Limited Partnership]* wherein the  
15           CITY requests the Court allow the City to perfect service on Defendants Bones McCoy LLC; Phil  
16           Frink & Associates, Inc; ELP Capital, Inc.; ELP TD Holdings, LLC; Equity Lending Partners,  
17           LLC; Davanti Investments, LLC; and Terry F. Bunker Family Limited Partnership by serving the  
18           Summons and First Amended Complaint on the Nevada Secretary of State, and a *Declaration of*  
19           *Jasmine K. Mehta in Support of Ex Parte Motion for Service of Defendants.* Thereafter, the matter  
20           was submitted for the Court's consideration.

21           On May 27, 2025, the CITY filed a *Suggestion of Death Upon the Record* wherein the CITY  
22           suggests upon the record, pursuant to NRCP 25(a)(1), the death of the following defendants:

23           1.     Bette Conn, as Trustee of the Conn Family Trust,

24           2.     Gerald and Lucette Dowling, as trustees of the Gerald and Lucette Dowling Trust  
25                dated July 6, 1999,

26           3.     Kenneth Ferrara as Trustee of the Kenneth Ferrara Living Trust dated April 24,  
27                2000,

28           4.     Charles W. Joerg as Trustee of the Melvin W. Joerg Testamentary Trust,

- 1           5.     The Rudolf Wolf Revocable Trust dated October 30, 2002,
- 2           6.     Norma Lally, as Trustee of the Norlin Living Trust dated March 20, 1998 and the
- 3                 Norma Lally Living Trust,
- 4           7.     Leonard and Millicent Massaro as Trustees of the Leonard & Millicent Massaro
- 5                 Revocable Family Trust,
- 6           8.     Judith Moore,
- 7           9.     Ann Perrill,
- 8           10.    Ilse Ruhl as Trustee of the Ruhl Bypass Trust,
- 9           11.    William L. Scheer and Mary L. Scheer, as Trustees of the William L. Scheer and
- 10                Mary L. Scheer Revocable Living Trust,
- 11           12.    BG Smith, as Trustee of the BG Smith Family Trust,
- 12           13.    Paul Moiseyev, as Trustee of the Moiseyev Family Trust,
- 13           14.    Eileen G. Desrochers, as Trustee of the Raymond A. Desrochers and Eileen G.
- 14                Desrochers Revocable Trust of April 26, 2005,
- 15           15.    Arthur Herman, and
- 16           16.    Morgan Parry.

17           On June 5, 2025, the CITY filed a *Notice of Disclaimer [Defendants Richard L. Dame, and*  
18 *Richard L. Dame, Trustee of the SEAN MICHAEL DAME TRUST 1; Trustee of the DAME FAMILY*  
19 *TRUST 1; Trustee of THE ALECIA SWAPP DAME TRUST]* and a *Notice of Waiver [Defendants*  
20 *Richard L. Dame, and Richard L. Dame, Trustee of the SEAN MICHAEL DAME TRUST 1; Trustee*  
21 *of the DAME FAMILY TRUST 1; Trustee of THE ALECIA SWAPP DAME TRUST]*.

22           Nevada Rules of Civil Procedure 4(e) states in pertinent part that “the summons and  
23 complaint must be served upon a defendant no later than 120 days after the complaint is filed,  
24 unless the court grants an extension of time under this rule.” If service is not made upon the  
25 defendant before the 120-day service period, or any extensions, expires, the court must dismiss the  
26 action, without prejudice, as to the defendant upon motion or upon the court’s own order to show  
27 cause.



1 NRCP 4(e)(3) requires both the filing of a motion to enlarge time for service and a showing  
2 that good cause exists for not serving the complaint within the 120-day period. Lacey v. Wen-  
3 Neva, Inc., 109 Nev. 341 (1993)(overruled on other grounds, Indiana Ins. Co. v. Eighth Judicial  
4 Dist. Ct., 112 Nev. 949 (1996)), Scrimmer v. Eighth Judicial Dist. Ct ex rel. County of Clark, 116  
5 Nev. 507, 515 (2000). (Rule 4(i) encourages diligent prosecution). “The determination of good  
6 cause is within the district court's discretion.” *Id.* at 513, 1193 -1194. A number of considerations  
7 may govern a district court’s analysis of good cause under NRCP 4(i) which include “(1)  
8 difficulties in locating the defendant, (2) the defendant’s efforts at evading service or concealment  
9 of improper service until after the 120 day period has lapsed, (3) the plaintiff’s diligence in  
10 attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the  
11 applicable statute of limitations, (6) the parties good faith attempts to settle the litigation during the  
12 120-day period, (7) the lapse of time between the end of the 120-day period and the actual service  
13 of process on the defendant, (8) the prejudice to the defendant caused by the plaintiff’s delay in  
14 serving process, (9) the defendant’s knowledge of the existence of the lawsuit, and (10) any  
15 extensions of time for service granted by the district court. *Id.* at 516, 1196. Rule 4(e)(2) requires  
16 both the filing of a motion to enlarge time for service and a showing that good cause exists for not  
17 serving the complaint within 120-day period.

18 In the instant matter, the CITY’s Complaint was filed on October 16, 2024 and a First  
19 Amended Complaint to Quiet Title to Real Property on April 2, 2025. The Court previously  
20 extended the time to effectuate service upon Defendant up to and including May 14, 2025. The  
21 CITY’s second motion for extension of time for service of process was filed on May 12, 2025, 2  
22 days before the expiration date of the extended service period.

23 In considering the Scrimmer factors, the CITY filed its motion for extension before the  
24 expiration of the extended service deadline. Additionally, another extension of the service period  
25 will not prejudice the remaining defendants; however, denying the extension would severely  
26 prejudice the CITY. As such, the Court finds that it is appropriate to extend the time to serve the  
27 remaining Defendants. Therefore, it is appropriate to extend the time for service of process an  
28

1 additional ninety (90) days up to and including August 12, 2025 to serve the remaining Defendants  
2 with the Summons and Complaint.

3 The Court will next turns its attention to the CITY's Ex Parte Motion for Service by  
4 Publication.

5 **Rule 4.2. Service Within Nevada**

6 (a) Serving an Individual. Unless otherwise provided by these rules, service  
may be made on an individual:

7 (1) by delivering a copy of the summons and complaint to the individual  
personally;

8 (2) by leaving a copy of the summons and complaint at the individual's  
dwelling or usual place of abode with a person of suitable age and discretion who  
9 currently resides therein and is not an adverse party to the individual being served; or

10 (3) by delivering a copy of the summons and complaint to an agent  
authorized by appointment or by law to receive service of process.

11 Nevada Rules of Civil Procedure 4.4. concerning Alternative Service Methods states  
12 in pertinent part that

13 (b) Court-Ordered Service.

14 (1) If a party demonstrates that the service methods provided in Rules 4.2,  
4.3, and 4.4(a) are impracticable, the court may, upon motion and without notice to  
15 the person being served, direct that service be accomplished through any alternative  
service method.

16 (2) **A motion seeking an order for alternative service must:**

17 (A) provide affidavits, declarations, or other evidence setting forth  
specific facts demonstrating:

18 (i) the due diligence that was undertaken to locate and serve the  
defendant; and

19 (ii) the defendant's known, or last-known, contact information,  
including the defendant's address, phone numbers, email addresses, social media  
accounts, or any other information used to communicate with the defendant; and

20 (B) state the proposed alternative service method and why it comports  
21 with due process.

22 (3) If the court orders alternative service, the plaintiff must also:

23 (A) make reasonable efforts to provide additional notice under Rule  
4.4(d); and

24 (B) mail a copy of the summons and complaint, as well as any order of  
the court authorizing the alternative service method, to the defendant's last-known  
address.

25 (4) The plaintiff must provide proof of service under Rule 4(d) or as  
otherwise directed by the court.

26 (5) A plaintiff may serve a defendant by publication only if the requirements  
of Rule 4.4(c) are met and the procedures for publication are followed.

27 (c) Service by Publication. If a party demonstrates that the service methods  
provided in Rules 4.2, 4.3, and 4.4(a) and (b) are impracticable, the court may, upon  
28 motion and without notice to the person being served, direct that service be made by  
publication.

1 (1) Conditions for Publication. Service by publication may only be ordered  
2 when the defendant:

3 (A) cannot, after due diligence, be found;  
4 (B) by concealment seeks to avoid service of the summons and  
5 complaint; or

6 (C) is an absent or unknown person in an action involving real or  
7 personal property under Rule 4.4(c)(3).

8 (2) Motion Seeking Publication. A motion seeking an order for service by  
9 publication must:

10 (A) through pleadings or other evidence establish that:

11 (i) a cause of action exists against the defendant who is to be served;  
12 and

13 (ii) the defendant is a necessary or proper party to the action;

14 (B) provide affidavits, declarations, or other evidence setting forth  
15 specific facts demonstrating the efforts that the plaintiff made to locate and serve the  
16 defendant;

17 (C) provide the proposed language of the summons to be used in the  
18 publication, briefly summarizing the claims asserted and the relief sought and  
19 including any special statutory requirements;

20 (D) suggest one or more newspapers or other periodicals in which the  
21 summons should be published that are reasonably calculated to give the defendant  
22 actual notice of the proceedings; and

23 (E) if publication is sought based on the fact that the defendant cannot be  
24 found, provide affidavits, declarations, or other evidence establishing the following  
25 information:

26 (i) the defendant's last-known address;

27 (ii) the dates during which the defendant resided at that location; and

28 (iii) confirmation that the plaintiff is unaware of any other address at  
which the defendant has resided since that time, or at which the defendant can be  
found.

...

**(4) The Order for Service by Publication.**

(A) In the order for service by publication, the court must direct  
publication to be made in one or more newspapers or other periodicals published in  
Nevada; in the state, territory, or foreign country where the defendant is believed to  
be located; or in any combination of locations. The court's designated locations must  
be reasonably calculated to give the defendant actual notice of the  
proceedings. The service must be published at least once a week for a period of four  
weeks.

(B) If publication is ordered and the plaintiff is aware of the defendant's  
last-known address, the plaintiff must also mail a copy of the summons and complaint  
to the defendant's last-known address. The court may also order that additional notice  
be sent under Rule 4.4(d).

(C) Service by publication is complete four weeks from the later of:

(i) the date of the first publication; or

(ii) the mailing of the summons and complaint, if mailing is ordered.

**(d) Additional Methods of Notice.**

(1) In addition to any other service method, the court may order a plaintiff to  
make reasonable efforts to provide additional notice of the commencement of the  
action to a defendant using other methods of notice, including certified mail,  
telephone, voice message, email, social media, or any other method of  
communication.

1 (2) Unless otherwise ordered, the plaintiff or the plaintiff's attorney may  
2 contact the defendant to provide notice of the action, except when the plaintiff or  
3 attorney would violate any statute, rule, temporary or extended protective order, or  
4 injunction by communicating with the defendant.

(3) The plaintiff must provide proof of notice in the same manner as proof of  
service under Rule 4(d), or as otherwise directed by the court.

[Added; effective March 1, 2019.]

5 The CITY's motion provide evidence that a cause of action exists against the listed  
6 Defendants, and that the listed Defendants are the proper parties to the action, has set forth the  
7 specific facts demonstrating the necessity that listed Defendants have to publish the summons,  
8 suggested a newspaper of general circulation in which the summons should be published, and  
9 complied with NRCP 4.4(c)(2)(C)&(D) by providing the proposed language of the summons to be  
10 used in the publication which briefly summarizes the claims asserted and the relief sought, and  
11 suggested the Reno Gazette-Journal in which the summons should be published that are reasonably  
12 calculated to give listed Defendants, and their heirs and/or successor trustees actual notice of the  
13 proceedings. The importance of providing notice is reinforced by the newly amended and enacted  
14 Nevada Rules of Civil procedure, advising that alternative methods of service may be ordered to  
15 make reasonable efforts to provide additional notice of the commencement of the action to a  
16 defendant using other methods of notice, including certified mail, telephone, voice message, email,  
17 social media. See NRCP 4.4(d). Accordingly, the Court finds that it is appropriate to grant the  
18 CITY's request to serve the summons via publication.

19 The Court next turns its attention to the CITY's Ex Parte Motion for Service of Defendants  
20 Pursuant to NRCP 4.2(c)(3).

21 NRCP 4.2(c) states in pertinent part:

22 (c) **Serving Entities and Associations.**

(1) **Entities and Associations in Nevada.**

23 (A) An entity or association that is formed under the laws of this state, is  
24 registered to do business in this state, or has appointed a registered agent in this state,  
may be served by delivering a copy of the summons and complaint to:

- 25 (i) the registered agent of the entity or association;
  - (ii) any officer or director of a corporation;
  - 26 (iii) any partner of a general partnership;
  - (iv) any general partner of a limited partnership;
  - 27 (v) any member of a member-managed limited-liability company;
  - (vi) any manager of a manager-managed limited-liability company;
  - 28 (vii) any trustee of a business trust;
  - (viii) any officer or director of a miscellaneous organization
- mentioned in NRS Chapter 81;

(ix) any managing or general agent of any entity or association; or  
(x) any other agent authorized by appointment or by law to receive service of process.

(B) If an agent is one authorized by statute and the statute so requires, a copy of the summons and complaint must also be mailed to the defendant entity or association at its last-known address.

(2) **Other Foreign Entities and Associations.** A foreign entity or association that cannot be served under Rule 4.2(c)(1) may be served by delivering a copy of the summons and complaint to any officer, director, partner, member, manager, trustee, or agent identified in Rule 4.2(c)(1) that is located within this state.

(3) **Service via the Nevada Secretary of State.**

(A) If, for any reason, service on an entity or association required to appoint a registered agent in this state or to register to do business in this state cannot be made under Rule 4.2(c)(1) or (2), then the plaintiff may seek leave of court to serve the Nevada Secretary of State in the entity's or association's stead by filing with the court an affidavit:

(i) setting forth the facts demonstrating the plaintiff's good faith attempts to locate and serve the entity or association;

(ii) explaining the reasons why service on the entity or association cannot be made; and

(iii) stating the last-known address of the entity or association or of any person listed in Rule 4.2(c)(1), if any.

(B) Upon court approval, service may be made by:

(i) delivering a copy of the summons and complaint to the Nevada Secretary of State or his or her deputy; and

(ii) posting a copy of the summons and complaint in the office of the clerk of the court in which such action is brought or pending.

(C) If the plaintiff is aware of the last-known address of any person listed in Rule 4.2(c)(1), the plaintiff must also mail a copy of the summons and complaint to each such person at the person's last-known address by registered or certified mail. The court may also order additional notice to be sent under Rule 4.4(d) if the plaintiff is aware of other contact information of the entity or association or of any person listed in Rule 4.2(c)(1).

(D) Unless otherwise ordered by the court, service under Rule 4.2(c)(3) may not be used as a substitute in place of serving, under Rule 4.3(a), an entity or association through a person listed in Rule 4.2(c)(1) whose address is known but who lives outside this state.

(E) The defendant entity or association must serve a responsive pleading within 21 days after the later of:

(i) the date of service on the Nevada Secretary of State and posting with the clerk of the court; or

(ii) the date of the first mailing of the summons and complaint to the last-known address of any person listed in Rule 4.2(c)(1).

The CITY's ex parte motion provides evidence that a cause of action exists against the listed Defendants BONES MCCOY LLC, PHIL FRINK & ASSOCIATES, INC., ELP CAPITAL, INC., ELP TD HOLDINGS, LLC, EQUITY LENDING PARTNERS, LLC, DAVANTI INVESTMENTS, LLC, and TERRY F. BUNKER FAMILY LIMITED PARTNERSHIP are proper parties to the action, has set forth the specific facts demonstrating the necessity that the CITY has to request alternative service of the Summons and Complaint. The importance of providing notice is

1 reinforced by the newly amended and enacted Nevada Rules of Civil procedure, advising that  
2 alternative methods of service may be ordered to make reasonable efforts to provide additional  
3 notice of the commencement of the action to a defendant using other methods of notice, including  
4 certified mail, telephone, voice message, email, social media. See NRCP 4.4(d). Accordingly, the  
5 Court finds that it is appropriate to grant the CITY's Ex Parte Motion for Service of Defendants  
6 Pursuant to NRCP 4.2(c)(3) and allow for the service of Defendants BONES MCCOY LLC, PHIL  
7 FRINK & ASSOCIATES, INC., ELP CAPITAL, INC., ELP TD HOLDINGS, LLC, EQUITY  
8 LENDING PARTNERS, LLC, DAVANTI INVESTMENTS, LLC, and TERRY F. BUNKER  
9 FAMILY LIMITED PARTNERSHIP by serving the Nevada Secretary of State pursuant to NRCP  
10 4.2(c)(3).

11 Based on the foregoing and good cause appearing,

12 IT IS HEREBY ORDERED that Plaintiff City of Reno's Motion to Enlarge Time to Serve  
13 Summons and Complaint [Second Request] is GRANTED.

14 IT IS HEREBY FURTHER ORDERED that Plaintiff CITY OF RENO, shall have additional  
15 time up to and including August 12, 2025 within which to effect service on the remaining  
16 defendants.

17 IT IS HEREBY FURTHER ORDERED that the Ex Parte Motion for Service by Publication  
18 is GRANTED.

19 IT IS HEREBY FURTHER ORDERED that the Summons issued in this lawsuit shall be  
20 served by publication thereof in the Reno Gazette-Journal newspaper, and the publication shall be  
21 made for a period of four (4) weeks and at least once per week during said time, pursuant to NRCP  
22 4.4(c)(4).

23 IT IS HEREBY FURTHER ORDERED that the service of the summons shall be deemed  
24 complete upon the expiration of four (4) weeks after the first date of such publication, and the  
25 defendants shall have twenty-one (21) days after such service is thereby completed within which to  
26 appear and file an answer or otherwise plead.

27 IT IS HEREBY FURTHER ORDERED that Ex Parte Motion for Service of Defendants is  
28 GRANTED.

1 IT IS HEREBY FURTHER ORDERED that Plaintiff CITY OF RENO shall serve  
2 Defendants BONES MCCOY LLC, PHIL FRINK & ASSOCIATES, INC., ELP CAPITAL, INC.,  
3 ELP TD HOLDINGS, LLC, EQUITY LENDING PARTNERS, LLC, DAVANTI INVESTMENTS,  
4 LLC, and TERRY F. BUNKER FAMILY LIMITED PARTNERSHIP GLOBAL INVESTMENT 1,  
5 INC., by serving the Nevada Secretary of State.

6 DATED this 10 day of June, 2025.

7  
8   
9 DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CV24-02376

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10 day of June, 2025, I filed the **ORDER GRANTING 1) PLAINTIFF CITY OF RENO'S MOTION TO ENLARGE TIME TO SERVE SUMMONS AND COMPLAINT [SECOND REQUEST; 2) GRANTING EX PARTE MOTION FOR SERVICE BY PUBLICATION; AND 3) EX PARTE MOTION FOR SERVICE OF DEFENDANTS PURSUANT TO NRCP 4.2(c)(3)** with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

       Personal delivery to the following: [NONE]

  X   Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the eFile User Agreement.

MICHAEL LARGE, ESQ. for WASHOE COUNTY  
HOLLY PARKER, ESQ. for CITY OF RENO  
JASMINE MEHTA, ESQ. for CITY OF RENO

       Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada: [NONE]

       Placed a true copy in a sealed envelope for service via:

       Reno/Carson Messenger Service – [NONE]

       Federal Express or other overnight delivery service [NONE]

DATED this 10 day of June, 2025.

  
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