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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

1ST TECHNOLOGY, LLC,)
)
Plaintiff,)
)
vs.)
)
RATIONAL ENTERPRISES LTDA.,)
RATIONAL POKER SCHOOL LIMITED,)
BODOG ENTERTAINMENT GROUP SA.,)
BODOG.NET, BODOG.COM, AND)
FUTUREBET SYSTEMS LTD.,)
)
Defendants.)
_____)

Case No.: 2:06-cv-01110-RLH-GWF

ORDER

(Emergency Motion for Order Permitting
Alternative Service #198)

Before the Court is 1st Technology, LLC's **Emergency Motion for Order Permitting Alternative Service** (#198), filed January 20, 2009. The Court has also considered Defendants' Opposition (#201), filed January 22, 2009, and 1st Technology's Reply (#204), filed February 4, 2009.

BACKGROUND

On November 21, 2008, this Court issued an Order (#190) requiring Defendants to appear before the Court on March 5, 2009, to show cause why they should not be held in civil contempt for violating a previous Court Order (#142) requiring Defendants to comply with

1 Plaintiff's discovery requests. In its November 21st Order, the Court instructed that Defendants'
2 corporate officers, rather than simply counsel for the Defendants, appear at the hearing. The Court
3 also instructed 1st Technology to serve Defendants with a copy of the Order pursuant to Rule 4 of
4 the Federal Rules of Civil Procedure. In December 2008, 1st Technology attempted to serve
5 Defendants through their designated representative who, according to 1st Technology's records,
6 was located in Costa Rica. 1st Technology was unable to effectuate service on Defendants
7 because the building where the designated representative was allegedly located had been
8 abandoned. On January 9, 2009, Plaintiff served Foley & Lardner, counsel for Defendants, with a
9 copy of the Order. 1st Technology now brings this Motion for an Order Permitting Alternative
10 Service.

11 **DISCUSSION**

12 1st Technology argues that, given its inability to serve Defendants directly, its
13 service on Foley & Lardner is adequate. The Court agrees and grants Plaintiff's Motion. Trial
14 courts have discretion to permit "a wide variety of alternative methods of service including
15 publication, ordinary mail, mail to defendant's last known address, delivery to defendant's
16 attorney, telex, and . . . email." *Rio Props., Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1016 (9th
17 Cir. 2002). In light of 1st Technology's attempt to serve Defendants, as well as the fact that
18 Defendants are "elusive international defendant[s]," the Court deems Plaintiff's service on Foley
19 & Lardner to be effective. *See id.* The Court comes to this conclusion in order to continue with
20 the hearing scheduled on March 5, 2009, and in order to see that this litigation is properly and
21 timely resolved.

22 Although the Court grants Plaintiff's Motion, it adds an additional requirement:
23 Plaintiff is ordered to serve Defendants by publication as well.

24 There has been some confusion among the parties regarding whether the Court
25 requires 1st Technology to serve Defendants' corporate officers. The Court does not require that
26 such officers be served. The Court requires only that the defendant parties—in this case—various

1 business entities, be served notice of the March 2009 hearing. Nonetheless, as noted in its
2 previous Order (#190), defense counsel may not come to the hearing alone. Defendants' corporate
3 officers, as representatives of the Defendant companies, must appear before the Court on March 5,
4 2009, to show cause as to why they should not be held in civil contempt.

5 **CONCLUSION**

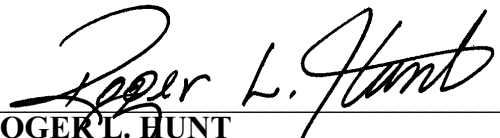
6 Accordingly, and for good cause appearing,

7 IT IS HEREBY ORDERED that 1st Technology's service of Foley & Lardner on
8 January 9, 2009, is sufficient alternative service under Rule 4 of the Federal Rules of Civil
9 Procedure.

10 IT IS FURTHER ORDERED that 1st Technology serve Defendants by publication.

11 IT IS FURTHER ORDERED that the March 5, 2009, hearing will occur as
12 scheduled. Defendants' corporate officers are ordered to appear at the hearing.

13
14 Dated: February 9, 2009.

15
16 
17 **ROGER L. HUNT**
18 **Chief United States District Judge**