

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-092857

08/31/2022

HONORABLE STEPHEN M. HOPKINS

CLERK OF THE COURT  
C. Avena  
Deputy

DOVE VALLEY RANCH COMMUNITY  
ASSOCIATION

CHAD M GALLACHER

v.

JAMES R MELLO, et al.

JAMES R MELLO  
4610 E LAREDO LN  
CAVE CREEK AZ 85331

KIRA C MELLO  
4610 E LAREDO LN  
CAVE CREEK AZ 85331  
ARIZONA REGISTRAR OF  
CONTRACTORS  
OFFICE OF THE ATTORNEY  
GENERAL  
2005 N CENTRAL AVE  
PHOENIX AZ 85007  
ARIZONA DEPARTMENT OF  
REVENUE  
DIRECTORS OFFICE  
1600 W MONROE FL 9  
PHOENIX AZ 85007  
KHANRAT KWAN PIENSOOK  
JUDGE HOPKINS

MINUTE ENTRY

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Plaintiff has requested service by alternative means pursuant to Rule 4.1 of the Arizona Rules of Civil Procedure. Rule 4.1 (k) provides as follows:

(k) Alternative Means of Service.

(1) *Generally*.

If a party shows that the means of service provided in Rule 4.1(c) through Rule 4.1(j) are impracticable, the court may--on motion and without notice to the person to be served--order that service may be accomplished in another manner.

(2) *Notice and Mailing*. If the court allows an alternative means of service, the serving party must make a reasonable effort to provide the person being served with actual notice of the action's commencement. In any event, the serving party must mail the summons, the pleading being served, and any court order authorizing an alternative means of service to the last-known business or residential address of the person being served.

(3) *Service by Publication*. A party may serve by publication only if the requirements of Rule 4.1(l), 4.1(m), 4.2(f), or 4.2(g) are met and the procedures provided in those rules are followed.

Whether traditional service is “impractical,” defined as “extremely difficult or inconvenient” is a fact specific inquiry. *See Blair v. Burgener*, 226 Ariz. 213, 245 P.3d 898 (App. 2010). The Court finds in this case that personal is impractical.

**IT IS THEREFORE ORDERED** authorizing Plaintiff to serve Defendants at Defendants’ last known place of abode by posting this Order as well as the Summons and Complaint and any other related papers on the front door of Defendants’ last known residence address or on the front gate of Defendants’ property if unable to gain access to the front door.<sup>1</sup>

**IT IS FURTHER ORDERED** that Plaintiff shall also mail this Order as well as the Summons and Complaint and any other related papers by regular first class mail as provided in Rule 4.1 (k) of the Arizona Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that Plaintiff shall also e-mail this Order as well as the Summons and Complaint and any other related papers to Defendants at any e-mail address believed by Plaintiff to be associated with Defendants.<sup>2</sup>

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<sup>1</sup> All of the orders for service shall be in addition to what has already been done, i.e., even if the Complaint was mailed before it must be mailed again, with a copy of this Order.

<sup>2</sup> *See generally Baidoo v. Blood-Dzraku*, 48 Misc. 3d 309, 310 (N.Y. Sup. Ct. 2015) (discussing service via e-mail or Facebook as supplemental methods of providing actual notice to a

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**IT IS FURTHER ORDERED** extending the time to complete service to December 7, 2022.

The Court has granted an extension of time for Plaintiff to serve the Complaint and accompanying documents in this case which supersedes the original time computation for dismissal on the Inactive Calendar. Therefore,

**IT IS THEREFORE ORDERED** placing this case on the Inactive Calendar for dismissal without further notice on December 8, 2022 unless an Affidavit of Service of Process is filed before that date indicating that service has been effected in accordance with the Arizona Rules of Civil Procedure.

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defendant of a pending legal proceeding); *see also generally Solving Sewer Service: Fighting Fraud With Technology*, Arkansas Law Review, Vol. 70, number 4 (2018); “*Hacking*” *Service of Process: Using Social Media to Provide Constitutionally Sufficient Notice of Process*, 38 U. Ark. Little Rock L. Rev. 559 (2016).