

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Leonard Loh v. Lanston Loh, et al.

Loh · No. 2:25-cv-02441-CDS-MDC · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Nevada denied without prejudice the plaintiff’s motion to serve defendant Peggy Chia Loh by publication. The court held that service by publication is a last resort and that the plaintiff had not shown sufficient diligence in attempting to locate and serve the defendant.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier III
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 20, 2026
DOCKET	2:25-cv-02441-CDS-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for permission to serve defendant Peggy Chia Loh by publication after several unsuccessful attempts to serve her at her last known Nevada address.
STANDARD OF REVIEW	The court evaluated whether plaintiff demonstrated sufficient diligence and whether service by publication was appropriate under due-process principles and the applicable service rules.
PRECEDENTIAL VALUE	unpublished

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- service of process

QUESTIONS PRESENTED

- Whether plaintiff demonstrated sufficient diligence to permit service of process by publication.

2. Whether service by publication was appropriate at this stage as a means reasonably calculated to provide notice to the defendant.

HOLDINGS

1. Plaintiff did not demonstrate sufficient diligence because the record showed only a few service attempts at a single location and no investigation of other likely sources of information.
2. Service by publication was not appropriate at this stage of the litigation, and the motion was denied without prejudice.

KEY QUOTATIONS

“service by publication must be allowed ‘only as a last resort.’” (at 1)

“Due process requires notice that is reasonably calculated to apprise the defendant of the lawsuit.” (at 2)

FACTUAL BACKGROUND

Plaintiff attempted several times to serve Peggy Chia Loh at her last known Nevada address, but no one answered the door. A process server and a private investigator submitted declarations, with the investigator stating that voter and vehicle records supported the address used. The court found that plaintiff had attempted service only a few times at one location and had not investigated other likely sources of information before requesting publication service.

PROCEDURAL HISTORY

Plaintiff filed the action and then moved to serve defendant Peggy Chia Loh by publication. The court denied the motion without prejudice, finding that plaintiff had not shown sufficient diligence and had not adequately investigated other likely sources of information before seeking publication service.

DISPOSITION

other

CASES CITED

- Price v. Dunn, 106 Nev. 100, 102-104, 787 P.2d 785, 786-787 (Nev. 1990)
- Hernandez v. Russell, No. 320CV00114MMDCSD, 2022 WL 347552, at *2 (D. Nev. Feb. 4, 2022)
- Price v. Thomas, No. 21-cv-06370-DMR, 2021 WL 5564795, at *1 (N.D. Cal. Nov. 29, 2021)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Leonard Loh, 2:25-cv-02441-CDS-MDC 4 Plaintiff(s), ORDER GRANTING IN PART AND DENYING IN PART MOTION TO SERVE 5 vs. BY PUBLICATION (ECF No. 13) 6 Lanston Loh, et al., 7 Defendant(s). 8 Plaintiff filed a Motion to Serve by Publication. (“Motion”). ECF No. 13.

The Court DENIES 9 the Motion. The Court denies the request to serve by publication at this time because service by 10 publication is a last resort, and plaintiff only recently filed this case. 11 I. LEGAL STANDARD 12 The Federal Rules of Civil Procedure provide for service within the United States pursuant to 13 the law of the state in which the district court is located, or in which service is made.

See, e.g., FRCP 14 4(e)(1). Rule 4 states that “the plaintiff is responsible for having the summons and complaint served 15 within the time allowed by Rule 4(m)[.] 16 There are several factors courts consider in evaluating a party's due diligence, including the 17 number of attempts made to serve the defendant at his residence and other methods of locating 18 defendants, such as consulting public directories and family members.

See *Price v. Dunn*, 106 Nev. 19 100, 102-104, 787 P.2d 785, 786-787 (Nev. 1990). Other courts have recognized that considering 20 “due process concerns, service by publication must be allowed ‘only as a last resort.’” *Hernandez v. 21 Russell*, No. 320CV00114MMDCSD, 2022 WL 347552, at *2 (D. Nev. Feb. 4, 2022), citing to *Price 22 v. Thomas*, No. 21-cv-06370-DMR, 2021 WL 5564795, at *1 (N.D.

Cal. Nov. 29, 2021) (emphasis 23 added; citation and quotation marks omitted). This is because “it is generally recognized that service 24 by publication rarely results in actual notice.” *Id.* (citation and quotation marks omitted). 25 1 OL. ANALYSIS 2 Plaintiff argues in its Motion that they have been unable to serve defendant Peggy Chia Loh. 3 || ECF No. 24.

Plaintiff argues that he has attempted to serve her at her only known address multiple 4 || times, but he has been unsuccessful. Plaintiff asks the Court to be allowed to serve her by publication. 5 || Plaintiff submits a declaration from a process server that states that he attempted to serve Ms. Loh at 6 || her last known address in Nevada a few times, but no one answered the door.

ECF No. 13-3. Plaintiff 7 || also attached a declaration from a private investigator which states that per his research into voter's 8 || and vehicle records, he believes he has the correct address for Ms. Loh. 9 Plaintiffs asserted efforts, however, require more detail and development. While the Court is 10 || aware of plaintiff's allegations regarding alleged theft of cryptocurrency, this case is only a few weeks 11 || old.

Due process requires notice that is reasonably calculated to apprise the defendant of the lawsuit. 12 || Plaintiff has only attempted service a few times at a single location. The Court finds that plaintiff has 13 || not shown sufficient diligence in attempting to serve the defendant to support that service by 14 || publication, the last resort, is appropriate at this stage in the litigation.

Counsel has not investigated 15 || other likely sources of information to locate and serve the defendant prior to seeking the last resort of 16 || service by publication. 17 ACCORDINGLY, 19 IT

IS ORDERED that plaintiff's Motion to Serve by Publication (ECF No. 13) is DENIED || Without prejudice. 1 DATED: January 20, 2026. 4y □ 22 IT IS SO ORDERED. Aff 23 I, fo /, a □ High.

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