

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Nicole Beverly Silverberg v. Steven Bonomo, et al.

Silverberg · No. 2:25-cv-01314-APG-EJY · Decided January 20, 2026

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 * * * 4 NICOLE
BEVERLY SILVERBERG, Case No. 2: 25-cv-01314-APG-EJY 5 Plaintiff, ORDER 6 v. 7
STEVEN BONOMO, et al., 8 Defendants. 9 10 Pending before the Court are Plaintiff's (1)
Renewed Motion for Leave to Serve by Email, 11 or Alternatively, by Publication (effectively,
ECF No. 63), and (2) Renewed Motion to Proceed in 12 forma pauperis ("IFP"), which requests
service of process by the U.S. Marshal Service (ECF No. 13 103).

14 I. Background 15 Service of process has not been simple in this case. At the outset, Plaintiff
moved for a 16 temporary restraining order and preliminary injunction against all Defendants,
noting she had not 17 noticed any Defendant of the pending motions or lawsuit. ECF Nos. 8 and
9.

On July 28, 2025 18 Judge Gordon declined to adjudicate Plaintiff's motions without notice to
Defendants and required 19 service to include the Summons, Complaint, Motions for Injunctive
Relief, and a copy of his Order. 20 ECF No. 10. Since then, only one of the seven named
Defendants has appeared. ECF No. 64. 21 On September 29, 2025, the Court extended the
deadline for Plaintiff to effect service of 22 process to November 14, 2025.

ECF No. 29. Thereafter, Plaintiff filed a motion seeking leave to 23 proceed in forma pauperis
("IFP") for purposes of obtaining service of process by the U.S. Marshal. 24 ECF No. 30. The
Court denied Plaintiff's motion without prejudice finding the IFP application to 25 be moot
because Plaintiff paid the filing fee and failed to explain how she maintained high expenses 26
with no income.

ECF No. 31. 27 Next, Plaintiff filed two motions seeking leave to serve David Salav, Steven
Bonomo, 1 Plaintiff to file affidavits of service by each process server before her motions would
be considered. 2 ECF No. 41. Plaintiff then sought to modify her motion for alternative service,
changing the 3 proposed method of alternative service from mail to leaving copies of the
summons with the 4 concierge desk at the place the defendants allegedly conducted business.

ECF No. 59. The Court 5 denied the request to modify, and further denied Plaintiff's underlying
motions for alternative service 6 as moot because Plaintiff had not filed affidavits by process
servers demonstrating multiple service 7 attempts, but instead offered her own declarations. ECF

No. 62. 8 On October 31, 2025, Defendants Michael Stein and Panorama Towers filed a Motion to 9 Quash Service.

ECF No. 49. The Court quashed service on Panorama Towers finding Plaintiff had 10 not followed the required procedure for service on the Nevada Secretary of State. ECF No. 94 at 2- 11 3. The Court denied Mr. Stein's request to quash finding the affidavit submitted included sufficient 12 facts to demonstrate service on a suitable adult occurred. *Id.* at 1-2. 13 In Plaintiff's Renewed Motion for leave to serve by email or by publication Plaintiff provides 14 declarations by process servers detailing multiple attempts to serve Defendants Salav, Bonomo, 15 Parsons, and Kariger.

ECF Nos. 63-2, 63-3, 63-4, 63-5. Plaintiff's Renewed Motion to Proceed in 16 forma pauperis, asks the Court to grant her IFP status and order the U.S. Marshal Service to serve 17 the unserved defendants. ECF No. 103. 18 II. Discussion 19 a. The Court Denies Plaintiff's Request for IFP Status and Service of Process by the U.S. Marshal. 20 21 Under the Federal Rules of Civil Procedure the Court is obligated to order service be made 22 by a United States Marshal or Deputy Marshal when Plaintiff is "authorized to proceed in forma 23 pauperis under 28 U.S.C. § 1915 or a seaman under 28 U.S.C. § 1916." Fed.

R. Civ. Pro. 4(c)(3). 24 When a plaintiff is neither, the Court may authorize service by the U.S. Marshal in an exercise of 25 discretion that "should be exercised in favor of appointment when a law enforcement presence 26 appears necessary or advisable to keep the peace." *Keegan v. United States*, 2025 WL 904451, at 27 *1 (W.D. Wash. Mar. 25, 2025) (quoting *Volpe v. JP Morgan Chase Bank*, 2022 WL 3643754, at 1 has proven unfeasible, then the Court may order service by the U.S. Marshal.

Estrada v. Alvarado, 2 No. CV-25-01287-PHX-DJH, 2025 WL 1157761, at *1 (D. Ariz. Apr. 21, 2025) (citing 4A Fed. 3 Prac. & Proc. Civ. § 1090 (4th ed.)). 4 As the Court stated in its October 1, 2025 Order, Plaintiff is not a seaman and her application 5 for IFP status was moot because she already paid the filing fee. ECF No. 31.

In her instant Motion, 6 Plaintiff does not argue a law enforcement presence is needed to effect service, nor that service by 7 alternative means is unfeasible. See ECF No. 103. Indeed, the Court finds Plaintiff has identified a 8 new resident agent for Panorama Towers on whom service can be accomplished, which service is 9 ordered below. Further, Plaintiff is granted leave to serve the individual Defendants through 10 alternative means.

11 b. The Court Grants Alternative Service as to the Four Individual Defendants. 12 The Constitution does not require any particular means of service of process. *Rio Props., Inc. v. Rio Intern. Interlink*, 284 F.3d 1007, 1017 (9th Cir. 2002) (citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). Instead, the Constitution only requires that service 15 "be

reasonably calculated to provide notice and an opportunity to respond.” Id. To that end, service 16 of process is governed by Rule 4 of the Federal Rules of Civil Procedure.

17 Under Fed. R. Civ. P. 4(e)(1), the Court looks to Nevada’s Rules of Civil Procedure for the 18 rules guiding alternative service. Nevada Rule of Civil Procedure 4.4(b)(2) permits service by 19 alternative means so long as the party seeking to effect such service: “(A) provide[s] affidavits, 20 declarations, or other evidence setting forth specific facts demonstrating: (i) the due diligence that 21 was undertaken to locate and serve the defendant; and (ii) the defendant’s known, or last-known, 22 contact information, including the defendant’s address, phone numbers, email addresses, social 23 media accounts, or any other information used to communicate with the defendant; and (B) state[s] 24 the proposed alternative service method and why it comports with due process.” 25 Publication is one option for alternative service.

Nev. R. Civ. P. 4.4(c). Service by 26 publication is proper when the defendant “cannot, after due diligence, be found [or] by concealment 27 seeks to avoid service of the summons and complaint.” Nev. R. Civ. P. 4.4(c)(1)(A), (B). When 1 publication (Nev. R. Civ. P. 4.4(d)), and (2) a copy of the summons, complaint, and the Court’s order 2 authorizing alternative service be mailed to the defendant’s last known address.

Nev. R. Civ. P. 3 4.4(b)(3). Supplemental methods of service may include, among others, “telephone, voice message, 4 email, social media, or any other method of communication.” Nev. R. Civ. P. 4.4(d)(1). 5 The Court finds Plaintiff has demonstrated due diligence in her attempts to locate and serve 6 Defendants Salav, Bonomo, Parsons, and Kariger.

The submitted affidavits reflect numerous 7 attempts to serve each Defendant on different days of the week and at different times. ECF Nos. 63- 8 2, 63-3, 63-4, 63-5. Thus, the Court allows service by publication on each of these individuals so 9 long as Plaintiff complies with all of her obligations under the law. 10 First, Plaintiff must suggest a method of publication that is “reasonably calculated, under all 11 the circumstances” to give notice to defendant.

Mullane v. Central Hanover Bank & Trust Co., 339 12 U.S. 306, 314 (1950); see also BP Prod. N. Am., Inc. v. Dagra, 236 F.R.D. 270, 272 (E.D. Va. 2006) 13 (“Federal courts have recognized the validity of service by publication where other means have 14 failed.”).

To this end, Plaintiff must (1) “provide the proposed language of the summons to be used 15 in the publication, briefly summarizing the claims asserted and the relief sought and including any 16 special statutory requirements” and (2) “suggest one or more newspapers or other periodicals in 17 which the summons should be published that are reasonably calculated to give the defendant actual 18 notice of the proceedings.” Nev. R. Civ.

P. 4.4(c)(2)(C), (D). 19 Given the information provided, the Court finds publication in the Las Vegas Review Journal 20 and the Nevada Appeal for Defendants Bonomo, Parsons, and Kariger

as well as publication in 21 Newsday for Defendant Salav, are likely to notify the four remaining individual Defendants of this 22 action. Publication in each of these publications for the applicable individual Defendants must occur 23 once a week for a period of four consecutive weeks after which service of process will be deemed 24 effected.

However, publication may not commence until Plaintiff provides the language she intends 25 to use, which must comply with the requirements of 4.4(c)(2)(C) and (4), and such language is 26 approved by the Court. The Court notes that Plaintiff's currently proposed language for service by 27 publication (ECF No. 63-15) is deficient as it does not provide for the name of the case or federal 1 WL 2998559, at *2 (D.

Nev. Sept. 19, 2025). Plaintiff must refile the proposed the language for 2 service by publication, with the proposed summons, as intended for the four individual Defendants. 3 Because when serving by publication a plaintiff must also provide notice to a defendant by 4 mail, Plaintiff must send by First Class U.S. Mail a copy of the (1) Summons, (2) Complaint, (3) 5 Motions for Injunctive Relief (ECF Nos. 8 and 9), (4) Judge Gordon's Order (ECF No. 12), and (5) 6 this Order to each individual Defendant's last known address.

In addition, Plaintiff, who has 7 communicated with each Defendant through email, must send to each such Defendant at his 8 respective electronic mail addresses a copy of the (1) Summons, (2) Complaint, (3) the Motions for 9 Injunctive Relief (ECF Nos. 8 and 9), (4) Judge Gordon's Order (ECF No. 12), and (5) this Order. 10 Finally, the Court grants Plaintiff one last extension of time to effect alternative service on 11 Salav, Bonomo, Parsons, and Kariger.

12 III. Order 13 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Renewed Motion for Leave to 14 Serve by Email or Alternatively Publication (ECF No. 63) is GRANTED. 15 IT IS FURTHER ORDERED that Plaintiff must, no later than January 30, 2026, file a 16 proposed order (no motion is required) in which she states the exact proposed language she intends 17 to use in service by publication on David Salav, Steven Bonomo, Mahsheed Parsons, and Dennis 18 Kariger.

That language must comply with all requirements established by Nev. R. Civ. P. RCP 19 4.4(c)(2) (C) and (4). 20 IT IS FURTHER ORDERED that upon the Court entering an Order adopting the language 21 to be used in service by publication, Plaintiff must run the same language on four consecutive weeks 22 as follows: 23 • For David Salav, in Long Island's largest newspaper, Newsday; and 24 • For Steven Bonomo, Mahsheed Parsons, and Dennis Kariger in the Las Vegas 25 Review Journal and Nevada Appeal.

26 IT IS FURTHER ORDERED that Plaintiff must complete service by publication on David 27 Salav, Steven Bonomo, Mahsheed Parsons, and Dennis Kariger by electronic mail no later than 1 IT IS FURTHER ORDERED that Plaintiff must serve each individual Defendant at his last 2

known address by First Class U.S. Mail no later than February 16, 2026. Specifically: 3 • David Salav is to be served by mail at 14 Deer Meadow Run, Brookhaven, NY 11719; 4 • Steven Bonomo is to be served at 4575 Dean Martin Drive, Unit 2407, Las Vegas, NV 5 89103; 6 • Mahsheed Parsons is to be served at 4525 Dean Martin Drive, Unit 3000, Las Vegas, NV 7 89103; and, 8 • Dennis Kariger is to be served at 4575 Dean Martin Drive, Unit 2207, Las Vegas, NV 9 89103.

10 IT IS FURTHER ORDERED that Plaintiff must serve each individual Defendant by email, 11 to the extent email addresses are available, no later than February 16, 2026. Email service must 12 include the (1) Summons, (2) Complaint, (3) the Motions for Injunctive Relief (ECF Nos. 8 and 9), 13 (4) Judge Gordon's Order (ECF No. 12), and (5) this Order. 14 IT IS FURTHER ORDERED that Plaintiff must serve Panorama Towers at the address of its 15 Registered Agent no later than February 16, 2026.

16 IT IS FURTHER ORDERED that Plaintiff must file a notice of compliance with service no 17 later than seven (7) days after she serves by U.S. Mail, electronic mail, and completes service by 18 publication. 19 IT IS FURTHER ORDERED that Plaintiff's Renewed Motion to Proceed in forma pauperis 20 (limited purpose) and Request for U.S. Marshal Service (ECF No. 103) is DENIED.

The cost of 21 service is to be borne by Plaintiff. 22 Dated this 20th day of January, 2026. 23 24 ELAYNA J. YOUGHAN 25 UNITED STATES MAGISTRATE JUDGE 26 27