

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Amy Wrany and Ashley Johnson v. El Paso County, Colorado, by and through its Board of Commissioners, El Paso County Department of Human Services, Office of the Child’s Representative, Executive Director of the Office of Child’s Representative, in his or her official capacity, Jessica Driver, Cody Christian, Kevin Major, and Lesha Delaney

Wrany · No. 25-cv-03248-DDD-MDB · Decided February 13, 2026

SUMMARY

The United States District Court for the District of Colorado denied without prejudice several motions seeking alternate service on Defendant Cody Christian, concluding that Plaintiffs had not shown sufficient due diligence, futility of further personal-service attempts, or a suitable substitute recipient. The court granted in part Plaintiffs’ request for an extension and extended the service deadline to March 16, 2026, warning that failure to serve Christian could result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Maritza Dominguez Braswell
JURISDICTION	United States District Court for the District of Colorado
DECIDED	February 13, 2026
DOCKET	25-cv-03248-DDD-MDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for leave to effect substituted service on Defendant Cody Christian, alternatively sought extensions of time to complete service, and requested rulings on pending service motions. The district court denied the requests for substituted service without prejudice and granted a final extension of time to serve Christian.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4 and Colorado service rules to determine whether substituted service was authorized and whether good cause supported an extension of time for service.
PRECEDENTIAL VALUE	nonprecedential district-court order

PARTIES

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TOPICS

service of process

civil procedure

government liability

civil rights

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiffs satisfied Colorado Rule of Civil Procedure 4(f) so that the court could authorize substituted service on Cody Christian by email alone.
2. Whether Plaintiffs demonstrated due diligence and futility of further personal-service attempts.
3. Whether good cause supported extending the time for Plaintiffs to serve Cody Christian under Federal Rule of Civil Procedure 4(m).

HOLDINGS

1. The court denied Plaintiffs' motions for substituted service because they did not identify a substituted person authorized to receive service on Christian's behalf and did not demonstrate that Christian could receive actual notice through the proposed email address.
2. Plaintiffs did not demonstrate sufficient due diligence or the futility of further personal-service attempts because all attempts were directed to one workplace address over a relatively short period, with no documented effort to locate other addresses.
3. The court found good cause to grant Plaintiffs one final extension of time to serve Cody Christian, extending the deadline through March 16, 2026.

FACTUAL BACKGROUND

Plaintiffs alleged civil-rights violations arising from child-welfare proceedings in El Paso County, Colorado. Cody Christian, a guardian ad litem in the child-welfare case, was the only defendant who had not been served or waived service. Plaintiffs attempted service seven times at Christian's last known workplace, including attempts by the county sheriff and a private process server, but did not document efforts to locate additional workplace or residential addresses.

PROCEDURAL HISTORY

Plaintiffs initiated the civil-rights action on October 15, 2025. All defendants except Cody Christian had been served or had waived service. After an earlier request for substituted service by email was denied without

prejudice, Plaintiffs filed multiple renewed motions seeking email service and extensions of time. The court denied the substituted-service requests, found the remaining portions of one motion moot, and extended the service deadline through March 16, 2026.

DISPOSITION

other

REMAND INSTRUCTIONS

None. Plaintiffs were granted until March 16, 2026, to serve Cody Christian; failure to do so could result in a recommendation of dismissal.

CASES CITED

- Lodos v. Empire Towing Corp., 2025 WL 580485, at *2
- Clarke v. Regions Home Improvement Financing et al., 2025 WL 3496178, at *4
- Clarke v. Regions Home Improvement Financing et al., 2025 WL 3496178, at *2
- Securities and Exchange Commission v. Cournoyer et al., 2025 WL 2401986, at *1
- Colony Ins. Co. v. Bristlecone Montessori Sch., 2021 WL 50893, at *3 (D. Colo. Jan. 5, 2021)