

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

First-Citizen Bank & Trust Company v. John P Heard, et al.

No. CV-25-02453-PHX-DWL, United States District Court for the District of Arizona (January 6, 2026)

SUMMARY

The United States District Court for the District of Arizona grants First-Citizen Bank & Trust Company’s motion for alternative service on Jill Heard. The court finds traditional service impracticable under Arizona Rule of Civil Procedure 4.1(k), authorizes posting, mailing, and emailing the pleadings and related documents, and extends the service deadline to February 2, 2026.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Dominic W. Lanza
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 6, 2026
DOCKET	CV-25-02453-PHX-DWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve defendant Jill Heard by alternative means and for an extension of the service deadline. The motion was granted.
STANDARD OF REVIEW	The court evaluated whether Plaintiff had shown that the traditional means of service were impracticable and whether the proposed alternative means constituted a reasonable effort to provide actual notice.
PRECEDENTIAL VALUE	unknown
PARTIES	First-Citizen Bank & Trust Company v. John P Heard, et al.

TOPICS

- service of process
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- service of process

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated that the traditional means of serving Jill Heard were impracticable under Arizona Rule of Civil Procedure 4.1(k).
2. Whether Plaintiff's proposed combination of posting, mailing, and emailing the summons and pleadings constituted a reasonable effort to provide Jill Heard with actual notice.
3. Whether the deadline for serving Jill Heard should be extended.

HOLDINGS

1. Traditional means of service were impracticable because Plaintiff's repeated service attempts and address searches made service extremely difficult or inconvenient.
2. Posting the documents at Jill Heard's last known home address and the related business address, mailing them to both locations, and emailing them to two potential email addresses constituted a reasonable effort to provide actual notice.
3. The deadline for serving Jill Heard was extended to February 2, 2026.

KEY QUOTATIONS

“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” (at 2)

“The Court finds that the traditional means of service have proved to be impracticable.” (at 3)

FACTUAL BACKGROUND

Jill Heard was added as a defendant in the Second Amended Complaint, but Plaintiff was unable to personally serve her. A process server made two unsuccessful attempts at her reported residential address and three unsuccessful trips to the business address where John Heard had previously been served; the business office was locked each time. Plaintiff's counsel also searched court dockets and the Maricopa County Recorder's website for a current address without success.

PROCEDURAL HISTORY

Plaintiff filed the complaint on July 14, 2025, amended it on July 29, 2025, and filed a Second Amended Complaint adding Jill Heard as a defendant on October 3, 2025. Plaintiff successfully served John Heard and John Heard, CPA, LLC, but made multiple unsuccessful attempts to serve Jill Heard at her last known residence and at a related business address. Plaintiff then moved under Federal Rule of Civil Procedure 4(e) and Arizona Rule of Civil Procedure 4.1(k) for alternative service and an extension of time.

DISPOSITION

other

CASES CITED

- Blair v. Burgener, 245 P.3d 898, 901, 903-04 (Ariz. Ct. App. 2010)

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