

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tahoe Regional Planning Agency v. Reziapkinе

Tahoe Regional Planning Agency · No. 2:24-cv-02862-DAD-JDP · Decided July 2, 2025

SUMMARY

The United States District Court for the Eastern District of California partially granted the Tahoe Regional Planning Agency’s renewed motion to serve defendants Danil Reziapkinе and Kirill M. Zameyer by publication. The court found that reasonable diligence had been used to attempt personal service and that sufficient evidence supported a claim against Reziapkinе under TRPA Code § 84.10.2, but found insufficient, hearsay-based evidence of a claim or proper-party status as to Zameyer. The court authorized publication in the Tahoe Daily Tribune for four successive weeks as to Reziapkinе and denied the motion as to Zameyer without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 2, 2025
DOCKET	2:24-cv-02862-DAD-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff renewed its motion under Federal Rule of Civil Procedure 4 and California law to serve defendants Danil Reziapkinе and Kirill M. Zameyer by publication after unsuccessful efforts at personal service. The court granted the motion as to Reziapkinе and denied it as to Zameyer without prejudice.
STANDARD OF REVIEW	Under California Code of Civil Procedure § 415.50(a), the court determines whether the plaintiff has shown by affidavit that the defendant cannot be served with reasonable diligence by another authorized method and that a cause of action exists against the defendant or that the defendant is a necessary or proper party.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

service of process

civil procedure

environmental law

administrative law

PRACTICE AREAS

civil procedure

environmental law

administrative law

QUESTIONS PRESENTED

1. Whether plaintiff exercised reasonable diligence in attempting to personally serve Reziapkine and Zameyer before seeking service by publication.
2. Whether plaintiff presented sufficient admissible evidence to establish a cause of action against Reziapkine or establish that he was a necessary or proper party.
3. Whether plaintiff presented sufficient admissible evidence to establish a cause of action against Zameyer or establish that he was a necessary or proper party.
4. What publication and related mailing procedures should govern service on Reziapkine if authorized.

HOLDINGS

1. Plaintiff demonstrated that Reziapkine and Zameyer could not be served by another authorized method with reasonable diligence.
2. Service by publication was authorized as to Reziapkine because plaintiff established both reasonable diligence and a cause of action against him.
3. Service by publication was not authorized as to Zameyer because plaintiff did not provide sufficient admissible evidence establishing a cause of action against him or showing that he was a necessary or proper party.
4. Plaintiff must publish the summons in the Tahoe Daily Tribune once a week for four successive weeks, with at least five days intervening between publication dates, and must comply with the order's filing and mailing deadlines.

KEY QUOTATIONS

“An application for an order of publication must be accompanied by an affidavit stating facts from which the trial court can draw the conclusion that the plaintiff has a cause of action against the defendant.” (at 5)

“Plaintiff has not offered sufficient evidence for the court to draw the conclusion that plaintiff has a claim against defendant Zameyer or that he is a necessary or proper party to this action.” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that Reziapkine and Zameyer operated or assisted with an unpermitted motorized boat-rental concession on Lake Tahoe. Plaintiff attempted personal service at multiple addresses, consulted a private investigator, contacted counsel in a related matter, and attempted email service. An affiant personally observed Reziapkine operating boat concessions without a permit at public beaches, while the evidence concerning Zameyer consisted primarily of hearsay identifying him as a cooperating individual and evidence that he co-owned three vessels.

PROCEDURAL HISTORY

Tahoe Regional Planning Agency filed the action on October 16, 2024, alleging that defendants operated or facilitated an unauthorized motorized boat-rental concession on Lake Tahoe in violation of TRPA Code § 84.10.2. Plaintiff served FAUPS, LLC and Oleg N. Svanyuta Trust, but was unable to personally serve Reziapkine and Zameyer. After an initial motion for service by publication was denied without prejudice as deficient, plaintiff filed the renewed motion addressed in this order.

DISPOSITION

other

CASES CITED

- Donel, Inc. v. Badalian, 87 Cal. App. 3d 327, 333 (1978)
- Rios v. Singh, 65 Cal. App. 5th 871, 884 (2021)
- Doe v. Santa Clara Cnty. Dep't of Health & Hum. Servs., No. 22-cv-04948-JSW, 2023 WL 6450420, at *5 (N.D. Cal. Oct. 3, 2023)