

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jemma Hartranft v. Gregory Hartranft

Hartranft v. Hartranft, No. CV-25-04605-PHX-MTL (D. Ariz. Apr. 1, 2026) · No. CV-25-04605-PHX-MTL ·

Decided April 1, 2026

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Jemma Hartranft, No. CV-25-04605-PHX-MTL 10 Plaintiff, ORDER 11 v. 12
Gregory Hartranft, 13 Defendant. 14 15 Before the Court is Plaintiff’s renewed Motion for
Alternative Service. (Doc. 8.) 16 The Court will deny the Motion. 17 I. 18 On February 10, 2026,
Plaintiff filed a Motion for Service by Alternative Means.

19 (Doc. 5.) Plaintiff represented that she attempted service on Defendant at his last known 20
residential address and his place of business on two occasions, without success. (Id. at 2.) 21
Plaintiff asserted that further attempts at personal service under Federal Rule of Civil 22
Procedure 4.1(d) were impracticable and asked the Court to either deem service waived or 23
authorize service by alternative means pursuant to Rule 4(e) and Rule 4.1(d) and (k).

(Id. 24 at 1-2.) 25 On February 25, 2026, this Court denied the Motion without prejudice, finding
that 26 because of a lack of sufficient supporting information, “Plaintiff ha[d] not demonstrated 27
that service by traditional means [was] impracticable.” (Doc. 6 at 2.)

On March 12, 2026, 28 the Court ordered Plaintiff to file proof of service of the Complaint or
show good cause in 1 writing for failure to timely serve Defendant and that failure to do so would
result in this 2 action being dismissed with prejudice. (Doc. 7.)

On March 19, 2026, Plaintiff filed the 3 present renewed Motion. (Doc. 8.) 4 II. 5 As this Court
previously stated, although “impracticable” does not require a 6 complete inability to serve a
defendant—and is a lesser showing than the “due diligence” 7 required for service by publication
—it nevertheless requires more than minimal or 8 conclusory efforts. See *Blair v. Burgener*, 226
Ariz. 213, 218-19 (App.

2010). The movant 9 must demonstrate that traditional service has proven “extremely difficult or
inconvenient” 10 despite reasonable efforts. Id. at 218. 11 In this renewed Motion, Plaintiff has
still not demonstrated that service by 12 traditional means is impracticable. Plaintiff has not made
any changes to the text of her 13 Motion beyond a superficial change to the date.

(Docs. 5, 8.) Although Plaintiff has now 14 provided a sworn affidavit explaining how she
determined Defendant’s addresses 15 (Doc. 8-1), she still reports only two attempts at service at
those addresses. (Docs. 5 at ¶ 3; 16 8 at ¶ 3.) And while this Motion now includes a proof of

service from a process server 17 which includes the time, manner, and circumstance of the attempted service at Defendant's 18 place of business, it is limited in its description of those circumstances.

(Doc. 8-3.) 19 In support of her previous assertion that Defendant has actual knowledge of the 20 lawsuit, Plaintiff has included a sworn affidavit from Reivell Bernardo, an employee of 21 Plaintiff's counsel, attesting to her communication with Defendant. (Doc. 8-4.) Bernardo 22 confirms that Defendant called Plaintiff's counsel, but her affidavit provides no facts 23 suggesting that he knew about the lawsuit.

(Id.) Bernardo attests that Defendant called after 24 receiving a letter informing him that he needed to sign for a delivery in order to ask what 25 the letter was regarding. (Id.) Bernardo told Defendant that she was unable to locate any 26 matter associated with his name. (Id.)

After the call, Bernardo confirmed that litigation had 27 been initiated against Defendant but had no further communication with him. (Id.) 28 Nowhere in her affidavit does Bernardo attest that Defendant knew about this lawsuit or 1 || the contents of the letter he received, nor did she inform Defendant regarding either. (/d.) 2|| This sworn affidavit is insufficient to establish that Defendant has actual knowledge of this 3 || lawsuit.

4 Plaintiff's renewed Motion fails to cure the deficiencies the Court identified in the 5 || Court's prior Order. (Doc. 6.) Although Plaintiff filed a renewed Motion for Alternative 6 || Service by the Court's deadline, that Motion does not establish good cause for □□□□□□□□□□ || failure to timely serve Defendant. Still, in lieu of dismissal, the Court will grant Plaintiff a 8 || final extension to effect service and file proof of service.

9 IT IS THEREFORE ORDERED denying Plaintiffs Motion for Alternative || Service (Doc. 8). 11 IT IS FURTHER ORDERED that Plaintiff must file proof of service no later than April 16, 2026. 13 IT IS FINALLY ORDERED that if Plaintiff fails to file proof of service or show good cause by the above deadline, the Clerk of Court must dismiss this action without 15 || prejudice and without further notice on April 17, 2026.

16 Dated this 1st day of April, 2026. 17 Wichaël T. Sihurde Michael T. Liburdi 20 United States District Judge 21 22 23 24 25 26 27 28 -3-