

**STATE OF TENNESSEE JUVENILE COURT
OF SEVIER COUNTY, TENNESSEE**

STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES

Docket No. 17-001090A

Petitioner,

vs.

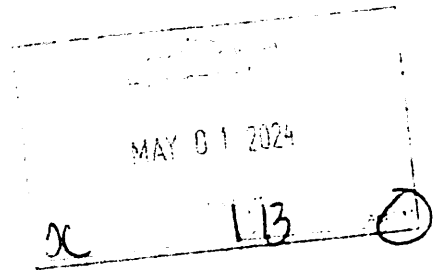
ARMANDO CURSIOS

Respondent.

IN THE MATTER OF:

Cristofer Rivas-Herrera, b.d. 02-17-2009

CHILD UNDER EIGHTEEN (18) YEARS OF AGE



APPLICATION AND ORDER FOR SERVICE BY PUBLICATION

COMES NOW THE PETITIONER, STATE OF TENNESSEE, DEPARTMENT OF
CHILDREN'S SERVICES, who submits the Application for Order for
Service by Publication.

FACTS OF THE CASE

This case is related to the Motion for Order Declaring the
Minor Child Dependent and Neglected as described in the Motion.
Petitioner is unable to locate the Respondent, **Armando Corsios,**
Father (see Exhibit "A").

REQUEST

Petitioner has been unable to locate or effect service of process on the Respondent in the above-captioned case. Petitioner hereby requests that the Court issue an Order for Service by Publication for a minimum period of once a week for four (4) consecutive weeks in the online legal notice publication, *Global Legal Notices®*, a website of general circulation in **Honduras** and surrounding regions which specializes in service by publication and which provides numerous benefits over traditional print newspapers. Their publication policy is to publish the Order, any notices, and all court-issued documents continuously for a period of four (4) consecutive weeks, which exceeds statutory requirements.

ARGUMENT

Petitioner has attempted unsuccessfully to locate and serve the Respondent utilizing traditional service of process methods. Respondent has made himself unavailable for service of process. The most practical available alternative method of service is service by publication. The only known method for service by publication in Honduras is through *Global Legal Notices®* which provides a more thorough method to give actual notice to the Respondents, as described on their legal notice website at www.GlobalLegalNotices.com.

This method allows for a greater opportunity to give actual notice to the Respondent than service by publication in a traditional newspaper. It provides publication of the Court Order, plus the entire set of Court-issued documents. Further, the publication period exceeds the customary once a week for four (4) consecutive weeks by continually publishing the documents for an indefinite period, as allowed by law or necessity. In addition, a Google search by the Respondent's name and country will typically appear on page one of the Google search after approximately five days, thus, providing a greater opportunity to give actual notice to the Respondent.

MEMORANDUM OF POINTS AND AUTHORITIES

The U.S. Supreme Court in *Mullane v. Central Hanover Trust & Bank Co.*, 22 ILL.339, U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950), found that, "*It is a logical step forward in the evolution of civil procedure that the use of new technologies in common communication be utilized.*"

U.S. courts have reasoned that service by publication on foreign defendants is permitted under Federal Rules of Civil Procedure 4(F)(3). Rule 4 allows service of process on a foreign individual:

(1) by internationally agreed upon means of service reasonably calculated to give notice; (2) by a reasonably calculated method as prescribed by the country's law for service for

general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants. Federal Rules of Civil Procedure, Rule 4((3)(1) provides that *"Service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located . . ."* Further, Tennessee Rules of Civil Procedure, Section 4.05(1)(c) allows for service "as directed by the court.". The challenge facing Petitioner in this case is there are no traditional newspapers in Honduras that will allow for publication of legal notices which originate in courts in the United States.

CONCLUSION

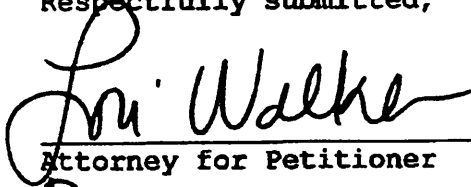
Global Legal Notices® offers an improved method of providing actual notice to a Respondent of a pending lawsuit while satisfying the Court's requirements for service by publication.

It is widely held that service by publication has a limited success rate in providing actual notice to a respondent that a legal case is pending. Yet, courts routinely issue an order allowing for service by publication in a newspaper,

either print or online, as a last resort method to complete service of process.

Wherefore, Petitioner respectfully requests that the Court issue an Order for Service by Publication in the instant case.

Respectfully submitted,



Attorney for Petitioner
DLS
865-712-2647

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT service of the Civil Summons, Motion for Order Declaring the Minor Child Dependent and Neglected, and Bench Order-Custody to DCS (English and Spanish) and all related court-issued documents in the case State of Tennessee, Department of Children's Services v. Armando Cursios, Docket No. 17-001090A, be published in Global Legal Notices, LLC, a publication of general circulation in Honduras, for a period of four (4) consecutive weeks, naming the Respondent, and that Proof of Publication be filed with this court no later than thirty (30) days after completion of the publication.

Dated: May 1,, 2024

[Signature]
Judge, Juvenile Court of Sevier County, Tennessee

RECEIVED

MAY 01 2024

JUVENILE COURT

Exhibit “A”

DECLARATION OF DUE DILIGENCE SEARCH

I declare, under penalty of perjury of the laws of the State of Tennessee, that the following is true and correct to the best of my knowledge and that I could competently testify, if called, to the following:

1. I am the CEO of Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I have been a Registered Process Server and owner of Process Service Network, LLC since 1978. I have authored four (4) books on service of process, international investigations and court filing procedures and have conducted training seminars for the past 39 years. I regularly serve, or cause to be served, legal documents domestically and worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Honduras. I regularly conduct MCLE courses on international service of process for major law firms and state Bar Associations. I am a Life Member of the National Association of Investigative Specialists and the International Process Servers Association. I am qualified as an expert in my field and can competently testify to

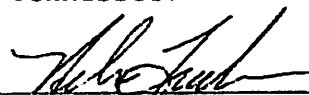
the facts stated and declared within.

2. On April 24, 2024, I received an assignment from the Tennessee Department of Children's Services, along with written instructions to locate and serve **Armando Corsios** ("Corsios"), in the case entitled *State of Tennessee Department of Social Services v. Armando Corsios*, Docket No. 17-001090A, with a Civil Summons, Bench Order-Custody to DCS, and Motion for Order Declaring the Minor Child Dependent and Neglected (in English and Spanish). My instructions were to locate Corsios at an unknown address in Honduras, C.A.
3. Commencing on April 24, 2024, our investigator in Honduras attempted to locate Corsios.
4. I, in conjunction with the Honduran investigator, conducted a search to locate the whereabouts of Corsios. The following is a result of that search:
5. Search using Facebook, Twitter, Instagram, MySpace, YouTube, Google+, WhatsApp, WeChat, Line and Foursquare. Result: Numerous similar names were located but none were a match to Corsios.
6. All online telephone directories for the region of San Pedro Sula, Honduras. Result: no listings were found.
7. Criminal index for San Pedro Sula, Honduras. Result: Nothing found.
8. Search of business licenses for 3 major cities in

- Honduras. Result: Nothing found.
9. Search of public medical facilities and hospitals in San Pedro Sula, Honduras. Result: Nothing found.
10. Search of the Honduras national registry. Result: There are no matches of individuals in Honduras.
11. Post Office (Servicios Postales) search in San Pedro Sula, Honduras. Result: The postal service was unable to provide information due to lack of a specific address or neighborhood.
12. Additional database searches revealed 3 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.
13. Other steps, not required for publication, were taken to locate Cursios. Result: All were unsuccessful.
14. The addresses searched were provided from the following sources: Petitioner, and obtained in course of our investigation.
15. SUMMARY: Based upon all available information, I am unable to locate and serve Cursios.
16. RECOMMENDATION: Service by publication. However, traditional print newspapers in Honduras will not publish legal notices because there is no law in Honduras allowing for such practice. The only known method of service by publication is through Global Legal Notice,

LLC (www.GlobalLegalNotices.com). Service by publication using that source is more likely to give actual notice to the Respondent than traditional newspaper publication, as described on the website on the page "Comparison Chart."

Executed on this 26th day of April, 2024, at Valencia, CA, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.

A handwritten signature in black ink, appearing to read 'N. Tucker', is written over a horizontal line.

Nelson Tucker