



circulation in Guatemala and surrounding regions which specializes in service by publication and which provides numerous benefits over traditional print newspapers (see Exhibit "B"). 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 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 Guatemala is through Global Legal Notices® which provides a more thorough method to give actual notice to the Respondent, 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 Guatemala 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,



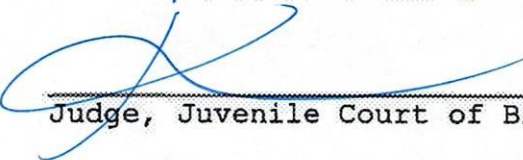
Attorney for Petitioner

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ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT service of the Petition, Summons and all court-issued documents in the case State of Tennessee, Department of Children's Services v. Riddle, et al., Case No. JV2261-62, be published in Global Legal Notices, LLC, a publication of general circulation in Guatemala, for a period of four (4) consecutive weeks and that Proof of Publication be filed with this court no later than thirty (30) days after completion of the publication.

Dated: March, 30, 2020



Judge, Juvenile Court of Blount County at Maryville, Tennessee

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 34 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 Guatemala. 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 serve on the Advisory Board of Professional Process Server Network. I

am qualified as an expert in my field and can competently testify to the facts stated and declared within.

2. On November 9, 2020, I received an assignment from the State of Tennessee Department of Children's Services, along with written instructions to serve the named Respondent, **Herman Gerardin Martinez** ("Martinez"), in the case State of Tennessee Department of Children's Services v. Riddle, et al., case no. JV2261-62, with a Petition to Terminate Parental Rights, and supporting court-issued documents. My instructions were to serve Martinez at his last known address of Aldea Pena Roja, La Libertad, Guatemala, C.A.
3. Service was attempted at the address listed in paragraph 2 above on November 13, 2020. The specific address could not be located. Addresses in Guatemala do not have numeric elements and are generally stated by area. It is commonly assumed that people know their neighbors and can identify a specific address by inquiring of those in the neighborhood. However, the process server was unable to inquire as to the whereabouts of Martinez since the area described in the address was too broad.
4. I conducted a search to locate the whereabouts of Martinez. 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 Martinez.

6. All online telephone directories for the region of La Libertad, Guatemala. Result: no listings were found.

7. Criminal index for Guatemala. Result: Nothing found.

8. Search of business licenses for 3 major cities in Guatemala. Result: Nothing found.

9. Search of public medical facilities and hospitals in La Libertad, Guatemala. Result: Nothing found.

10. Search of the Guatemala national registry. Result: There are 2 possible matches of individuals in Guatemala. Neither of them match Martinez.

11. Search using TLO (TransUnion) for name and last known address in the U.S.. Results: Nothing found.

12. Post Office (Servicios Postales) search in La Libertad, Guatemala. Result: The postal carrier assigned to the neighborhood does not recognize Ardeano's name.

13. Additional database searches revealed 2 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.

14. Other steps, not required for publication, were taken to locate Martinez. Result: All were unsuccessful.

15. The addresses searched were provided from the following sources: Petitioner, and obtained in course of

our investigation.

16. SUMMARY: Based upon all available information, I am unable to serve Martinez.

17. RECOMMENDATION: Service by publication. However, traditional print newspapers in Guatemala will not publish legal notices because there is no law in Guatemala 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 Martinez than traditional newspaper publication, as described on the website on the page "Comparison Chart." (see Exhibit "A")

Executed on this 23rd day of November 2020, at Franklin, TN, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.


Nelson Tucker

Comparison Chart

International Service by Publication

Features	<u>Global Legal Notices</u>	<u>Traditional Newspapers</u>
Publish court Notice of Publication	Yes	Yes
Open access to public	Yes	Yes
Publish actual court documents	Yes	No
Search engine friendly	Yes	No
Extended publication period	Yes	No
Available in all countries	Yes	No
Translation in multiple languages	Yes	No
Email notification	Yes	No
Unlimited size of notice	Yes	No
Exceeds minimum requirements	Yes	No
Search by name or case number	Yes	No
Available on computer and cell	Yes	No
Cost efficient	Yes	No
Includes certified proof of publication	Yes	No
Includes Affidavit of Service	Yes	No
Easy access to publisher	Yes	No

Exhibit "B"