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Attorney for Plaintiffs

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6 **IN THE UNITED STATES DISTRICT COURT**
WESTERN DISTRICT OF WASHINGTON
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8 PAUL GANCARZ, an individual;) Case No. 2:23-cv-1113
9 DANIEL TURETCHI, an individual;)
COLTON BROWN, an individual;) **DECLARATION OF**
10 JAMES JOHNSON and AMELIA) **CHRISTOPHER HOGUE RE:**
JOHNSON, individually and husband) **PLAINTIFF’S RESPONSE TO**
and wife,) **SHOW CAUSE AND MOTION TO**
11) **EXTEND TIME FOR SERVICE**
Plaintiffs,) **PURSUANT TO FRCP 4(m)**
12)
vs.)
13)
DAVID ALAN CAPITO II, aka)
14 VYACHESLAV ARKANGELSKIY,)
an individual,)
15)
Defendant.)

16 I, CHRISTOPHER HOGUE, declare as follows:

17 1. I am over the age of eighteen, competent to testify in the above-
18 entitled matter, and make this declaration on my own personal knowledge. I am
19 one of the attorneys for Plaintiffs in this matter.

20 **DECLARATION OF CHRISTOPHER**
HOGUE RE: PLAINTIFFS’ RESPONSE
21 **TO SHOW CAUSE - Page 1**

1 2. Upon the filing of this lawsuit, Plaintiffs’ counsel was conducting
2 their own investigation into the potential Washington locations for Defendant
3 David Alan Capito II, aka Vyacheslav Arkangelskiy (“Capito”).

4 3. Plaintiffs have had concerns that Mr. Capito would be difficult to
5 track down based upon information and belief as to his recent name change and the
6 potential for evading service based upon the Complaint allegations of his use of
7 false identities.

8 4. After conducting preliminary investigations into Defendant Capito’s
9 whereabouts, Plaintiffs had a summons issued and retained a process service
10 company.

11 5. Plaintiffs also retained the process service to do its own location
12 investigation into the location of Defendant Capito.

13 6. The first investigation into a potential last known address in
14 Tumwater, Washington for Defendant Capito returned as being a non-address for
15 him.

16 7. The next investigation into a potential last known address in Yelm,
17 Washington for Defendant Capito was also met with a return of non-service.

18 8. The process server was unable to serve Defendant Capito at the Yelm,
19 Washington address, as it appears that Mr. Capito is no longer living at that

1 address. Attached as Exhibit A is a true and correct of an email to me confirming
2 this service attempt, as well as a Proof of Service document from the process
3 server indicating non-service.

4 9. Plaintiffs are in the process of continuing to seek new locations to
5 serve Defendant Capito at his believed Washington location.

6 10. Plaintiffs have been diligent in their efforts to locate Defendant Capito
7 and are continuing in those efforts.

8 11. There is good cause to extend the time for service in order to have
9 Defendant Capito to be personally served. If these additional efforts are not
10 successful, Plaintiffs should also have the additional time with this requested
11 continuation to explore alternative means of service.

12 12. Plaintiffs respectfully request an additional 90 days to attempt
13 personal service and/or service by alternative means.

14 I declare under penalty of perjury under the laws of the United States that
15 the foregoing is true and correct.

16 DATED this 21st day of November 2023.

17
18 s/ Christopher Hogue
CHRISTOPHER HOGUE

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20 DECLARATION OF CHRISTOPHER
21 HOGUE RE: PLAINTIFFS' RESPONSE
TO SHOW CAUSE - Page 3

CM/ECF CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused an electronic copy of the foregoing document to be filed with the Clerk of the Court via CM/ECF system which will then send notification of such filing to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

DATED this 21st day of November 2023.

s/ Christopher M. Hogue
Attorney for Plaintiffs