

THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY COURT
DOMESTIC RELATIONS BRANCH

MAURICIO DIAZ Y DIAZ)	
Plaintiff,)	
)	
v.)	Case No. 2023 DRB 115
)	Magistrate Judge Julie R. Breslow
)	Next Hearing: 2/03/23; 2:00 PM
MARIO DIAZ GARCIA)	
)	
AND)	
)	
SILVERIA DIAZ DIAZ)	
Defendants.)	

ORDER GRANTING PLAINTIFF’S MOTION FOR ALTERNATIVE SERVICE BY POSTING

This matter came before the Court on Plaintiff’s Motion for Alternative Service by Posting filed on January 11, 2023. On January 13, 2023, Plaintiff filed an Affidavit in Support of Motion to Authorize Service by Posting and Attorney’s Affidavit of Inability to Locate, which provided the details of the diligent search for Defendant Mario Diaz Garcia. This case involves a Complaint for Custody for one Minor Child. For the sake of brevity, the Court will not repeat those details herein. It suffices to say that the Court is satisfied that Plaintiff has made a diligent investigation of Defendant Mario Diaz Garcia’s whereabouts for purposes of ordinary service of process. The search was not successful. Furthermore, Plaintiff has given an adequate explanation of why he should be allowed to serve Defendant through posting in the Clerk’s Office and on the Court’s website at <https://www.dccourts.gov/services/serve-notice> rather than by publication in a newspaper. The reason is economic. Accordingly, it is hereby,

ORDERED, that Plaintiff’s Motion for Alternative Service by Posting is **GRANTED**;
and it is

FURTHER ORDERED that Plaintiff is authorized to serve Defendant, Mario Diaz Garcia, the father of the Minor Child, M.O.D.D. (DOB: 2/5/2005) by posting on the Superior Court for the District of Columbia's website for a period of twenty-one (21) days and in the Domestic Relations Clerk's Office, starting from the date of this order; and it is


FURTHER ORDERED that if Defendant does not file a responsive pleading within twenty-one (21) days after service pursuant to the Rules Governing Domestic Relations Proceedings, Rule 12(a), or appear at the hearing, the Plaintiff may file a motion for default and the Court may enter default by order and may convert the next hearing into a default/ex parte hearing to take testimony from Plaintiff and file a final judgment without Defendant's participation; and it is

FURTHER ORDERED, that if Plaintiff is seeking a default judgment, prior to the next scheduling hearing, Plaintiff shall file an Affidavit in Compliance with the Servicemembers Civil Relief Act; and it is

FURTHER ORDERED that a hearing on Plaintiff's Motion is scheduled for **2:00 p.m. on February 3, 2023**, before Magistrate Judge Julie R. Breslow remotely on WebEx 99. Instructions on how to appear remotely are attached to this order; and it is

SO ORDERED.

January 13, 2023
DATE


Magistrate Judge Julie Breslow

Copies to:
Thomas F. Bardo, Esq.
Nelson Mullins Riley & Scarborough LLP
101 Constitution Avenue, NW, Suite 900
Washington, D.C. 20001
Attorney for Plaintiff

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NOTICE OF CUSTODY PROCEEDING

MARIO DIAZ GARCIA, YOU ARE HEREBY NOTIFIED THAT a complaint for custody has been filed in the above-captioned matter.

IF YOU WANT TO CHALLENGE THIS COMPLAINT, you must file a written objection with the Court within twenty-one (21) days, and appear for the hearing scheduled for **February 3, 2023 at 2:00 p.m. on Webex 99**, that will be held remotely due to the coronavirus pandemic. Instructions to appear remotely are stated below and can be obtained in writing by contacting the chambers of Judge Breslow at MagistrateJudgeBreslowChambers@dcsc.gov in advance of the hearing. If you do not file a written objection within twenty-one (21) days or appear at the hearing, default may be entered against you, the hearing may be converted to a default/ex parte proof hearing and judgment may be entered without further proceedings. Your objection should be emailed to FamilyCourtCIC@dcsc.gov, and directed to the Domestic Relations Branch Clerk, Family Court, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, D.C. 20001.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the hearing scheduled for **February 3, 2023, at 2:00 p.m. on Webex 99**. For more information on how to file a Consent Answer, please contact the Family Court Self-Help Center by telephone (202) 879-0096.

FAILURE TO RESPOND IN THIS MATTER MAY RESULT IN THE ENTRANCE OF A CUSTODY ORDER WITHOUT YOUR PARTICIPATION.

INSTRUCTIONS TO PARTICIPATE IN A REMOTE HEARING:

The Court prefers participation by video and below are two options to attend by video. If a participant does not have a device that allows for video participation, participating by telephone is acceptable, and there is one option to do so below. Should you encounter any difficulties, please email MagistrateJudgeBreslowChambers@dcsc.gov

PLEASE NOTE:

When you log in to the remote courtroom, there may already be a hearing in progress. Please wait for the courtroom clerk to address you and mute your video/phone whenever you are not speaking.

**** Or****

The Courtroom may be “locked” and you will be put into a “lobby” and the Courtroom clerk will admit you to the courtroom at the appropriate time

To access the remote courtroom by computer with video (two options):

- (1) Open Web Browser in Google Chrome and copy and paste following address:
<https://dccourts.webex.com/meet/ctb99>

OR

- (2) Open Web Browser in Google Chrome and copy and paste following address:
<https://dccourts.webex.com>. Select JOIN, enter ACCESS CODE: **129 820 3161 #**
(you may have to hit # a second time)

To access the remote courtroom by smartphone or tablet with video:

Go to App Store, Download WebEx App (Cisco WebEx Meetings), Select Join Meeting, Enter URL: <https://dccourts.webex.com/meet/ctb99>, enter your name and e-mail.

To access the remote courtroom by phone, no video:

Call 1 (202) 860-2110 and enter ACCESS CODE **129 820 3161#**, then hit # again.

INSTRUCCIONES PARA PARTICIPAR EN UNA AUDIENCIA A DISTANCIA:

El Tribunal prefiere la participación por video. A continuación, se presentan dos opciones para comparecer por video. Si un participante no tiene un dispositivo que permita la participación por video, se acepta la participación por teléfono, y se presenta una opción para hacerlo a continuación. Si tiene alguna dificultad, envíe un mensaje por correo electrónico a MagistrateJudgeBreslowChambers@dcsc.gov.

POR FAVOR TENGA EN CUENTA:

Cuando ingrese a la sala del Tribunal a distancia, es posible que ya haya una audiencia en curso. Por favor, espere a que el secretario de la sala se dirija a usted y silencie su video/teléfono en todo momento que no esté hablando.

****O****

La sala puede estar “cerrada”. En ese caso, se le dirigirá a un “vestíbulo” y el secretario de la sala lo admitirá en la sala en el momento correspondiente.

Para acceder a la sala a distancia por computadora con video (dos opciones):

- (1) Abra el navegador web en Google Chrome y copie/pegue la siguiente dirección:
<https://dccourts.webex.com/meet/ctb99>

O

- (2) Abra el navegador web en Google Chrome y copie/pegue la siguiente dirección:
<https://dccourts.webex.com>. Seleccione JOIN (entrar) y escribe el CÓDIGO DE ACCESO: **129 820 3161 #** (es posible que tenga que escribir # dos veces)

Para acceder a la sala a distancia mediante un teléfono inteligente o una tableta con video:

Vaya a la App Store, descargue la aplicación de WebEx (Cisco WebEx Meetings), seleccione Join Meeting (entrar a reunión), escriba la URL: <https://dccourts.webex.com/meet/ctb99>, y escriba su nombre y correo electrónico.

Para acceder a la sala a distancia por teléfono, sin video:

Llame al (202) 860-2110 y marque el CÓDIGO DE ACCESO **129 820 3161#** y marque # de nuevo.