

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

LORA AGER, :
Plaintiff :
 :
v. : Case No. 2022 DRB 001317
 : Judge Lloyd U. Nolan, Jr.
 : **Next Date: September 6, 2022**
SHERMAN AGER, et al. :
Defendants :

ORDER ALLOWING SERVICE BY POSTING

This matter came before the Court for an Initial Hearing on July 12, 2022, on Plaintiff Lora Ager’s Complaint for Third Party Custody, filed April 25, 2022 (“Complaint”). The Complaint concerns custody of the minor child, Anastazyia Ager, born January 28, 2011. Plaintiff Lora Ager is the minor child’s paternal aunt; Defendant Sherman Ager is the minor child’s father and Defendant Kamia Berton is the minor child’s mother. Plaintiff appeared *pro se*. Defendants did not appear. Although Plaintiff successfully served Defendant Ager,¹ she was unable to serve Defendant Berton.²

In the Complaint, Plaintiff stated that Defendant Ager had asked Plaintiff to take care of the minor child in August 2020, and that minor child has been in Plaintiff’s care since. At the

¹ In an Affidavit of Service, filed July 8, 2022, Mr. Robert Ager, a non-party to the case, certified that he personally served Defendant Ager on May 7, 2022. The Court finds that this service is sufficient.

² At the Initial Hearing, Plaintiff testified that Defendant Sherman Ager was at the Courthouse, looking for a parking spot, but Defendant Ager ultimately did not appear. Plaintiff further testified that both Plaintiff and Defendant Ager could not contact Defendant Berton through text nor social media, and that Defendant Ager does not have contact with Defendant Berton’s family members. Plaintiff also stated that a third party attempted to visit Defendant Berton’s last known address and found that she no longer lived at the address. Based on the testimony and efforts to reach Defendant Berton, the Court will permit constructive service by posting under *Bearstop v. Bearstop*, 377 A.2d 405 (D.C. 1997). In *Bearstop*, the D.C. Court of appeals permitted constructive service in family-law cases if plaintiffs in such matters pursue “all the channels of available information” in order to locate and serve a party. See *Bearstop*, 377 A.2d at 409. In this case, Plaintiff (and allegedly Defendant Ager) have utilized all potential available avenues in order to find and serve Defendant Berton, and to no avail.

Initial Hearing, Plaintiff testified that she is in constant communication with Defendant Ager, who consents to her request for custody.

The Court will treat Plaintiff's testimony as an oral request for an extension of time to serve and grant the oral motion. In consideration of *Bearstop v. Bearstop*, 377 A.2d 405 (D.C. 1977), the Court will permit service by posting under D.C. Code § 13-340(a) (authorizing service by posting in lieu of publication) because of the party's sworn testimony and efforts to reach Defendant Berton. The Court will direct the Clerk's Office to post the notice below.

Accordingly, it is, this 19th day of July 2022, hereby,

ORDERED, that Plaintiff Lora Ager's oral request for an extension of time to serve by posting is **GRANTED**. It is further

ORDERED, that the Clerk's Office of the Family Court of the Superior Court of the District of Columbia shall post the following notice on the Court's website for a period of twenty-one calendar days.

[Order continued on the next page:]

Superior Court of the District of Columbia

Case No. 2022 DRB 001317

Lora Ager, Plaintiff,

versus

Sherman Ager and Kamia Berton, Defendants.

Plaintiff Lora Ager has filed a Complaint for Third-Party Custody.

The Court will hold a Status Hearing on this request on September 6, 2022 at 9:30 AM. If Defendant Kamia Berton does not appear at the hearing or otherwise respond to the Complaint, the Court may enter default against Defendant and thereafter proceed without her.

So ordered on July 19, 2022.

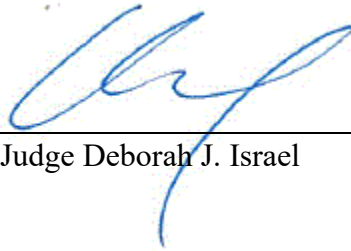
Judge Deborah J. Israel, Superior Court of the District of Columbia.

It is further

ORDERED, that the parties shall appear for a **Status Hearing on September 6, 2022 at 9:30 AM in Courtroom JM-5, located at 500 Indiana Avenue NW, Washington, DC 20001.**

All parties must appear.

IT IS SO ORDERED.



Judge Deborah J. Israel

Copies to:

Lora Ager
L_agersharrieff@yahoo.com
Via Email
Plaintiff

Sherman Ager
429 60th Street, NE #2
WDC 20019
Via First Class Mail
Defendant