

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

VICTOR JAVIER MONEGRO,	:	
Plaintiff,	:	
	:	Case No. 2022 DRB 001079
v.	:	Judge Deborah J. Israel
	:	Next Date: July 12, 2022
KIRIMA WALKER,	:	
Defendants.	:	
	:	

**ORDER GRANTING ORAL MOTION FOR CONSTRUCTIVE SERVICE AND
SETTING CONTINUED INITIAL HEARING**

This matter came before the Court through Plaintiff Victor Monegro's Complaint for Divorce, filed April 6, 2022. In his Complaint, Plaintiff alleges he was married to Defendant Kirima Walker on August 15, 2001 in Miami-Dade, Florida, and that the parties separated around April 7, 2002. This Court held an Initial Hearing on June 7, 2022. Plaintiff appeared with counsel. Defendant did not appear. The Court heard testimony from Plaintiff that corroborated the allegations set forth in his Complaint.

This Court now treats Plaintiff's testimony at the Initial Hearing as an oral motion for constructive service

In order for the Court to permit constructive service, a plaintiff in a divorce action must provide the Court with the following information:

- (1) The time and place at which the parties last resided together as spouses; (2) the last time the parties were in contact with each other; (3) the name and address of the last employer of the defendant either during the time the parties resided together or at a later time if known to the plaintiff; (4) the names and addresses of those relatives known to be close to the defendant; and (5) any other information which could furnish a fruitful basis for further inquiry by one truly bent on learning the present whereabouts of the defendant. From such basic information, the plaintiff should then detail for the court the particular efforts which have been made in the effort to ascertain the defendant's present address. *Bearstop v. Bearstop*, 377 A.2d 405, 408 (D.C. 1977).

THIS ORDER SETS A REMOTE HEARING.
DO NOT COME TO THE COURTHOUSE.

At the Initial Hearing, Plaintiff testified to the following: (1) that the parties were married in August 15, 2001; (2) that the parties separated around April 7, 2002; (3) that Plaintiff has not seen or heard from Defendant in approximately twenty years; (4) that Plaintiff does not know the identities of Defendant's family members or friends; (5) that Plaintiff has searched for Defendant on social media to no avail; and (6) that Plaintiff had visited Defendant's mother's house in Florida, where Defendant had been living in when Plaintiff and Defendant separated, and discovered both Defendant and Defendant's mother had moved. As the Court of Appeals noted in *Bearstop*, "there may be circumstances where the marriage or courtship was of such short duration that the party seeking the divorce may not be presumed to have had much information about the missing spouse. In such cases, the court, by interrogating the plaintiff, may conclude that the kind of efforts which would ordinarily be deemed essential to a diligent search would not prove fruitful." *Id.* In this case, the courtship lasted less than a year—lending credence to the notion that Plaintiff has less information regarding Defendant than the average spouse. This effect is compounded by the fact a great deal of time that has lapsed since the parties last communicated with one another. Regarding Plaintiff's recent efforts to locate Defendant, Plaintiff's counsel proffered the fact that the counsel investigated voter and public records. Counsel found only a potential address for Defendant at 10509 Opus Drive, Riverview, FL 33579, and Counsel served Defendant at this address to via certified mail but has not received neither the returned certified mail nor green card. As such, Plaintiff has pursued "all the channels of available information," as required by the D.C. Court of Appeals in *Bearstop*, and shall be permitted to pursue constructive service by posting. *See* D.C. Code § 13-340(a) (authorizing service by posting in lieu of publication). The Court will direct the Clerk's Office to post the notice below.

THIS ORDER SETS A REMOTE HEARING.
DO NOT COME TO THE COURTHOUSE.

In addition, prior to the next hearing, **Plaintiff must file the Marriage Certificate and an Affidavit in Compliance with the Servicemembers Civil Relief Act**. The Court cannot grant a judgment of divorce until the SCRA Affidavit is docketed with the Court.

Accordingly, it is, this 9th day of June 2022, hereby,

ORDERED, that Plaintiff Victor Monegro's oral motion for constructive service 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.

Superior Court of the District of Columbia

Case No. 2022 DRB 001079

Victor Javier Monegro, Plaintiff,

Versus

Kirima Walker, Defendant.

Plaintiff Victor Monegro has filed a Complaint for Divorce.

The Court will hold a remote Continued Initial Hearing on this request on July 12, 2022 at 9:30 AM. If Defendant Kirima Walker does not appear at the hearing or otherwise respond to the Complaint, the Court may enter default against Defendant and thereafter proceed without her.

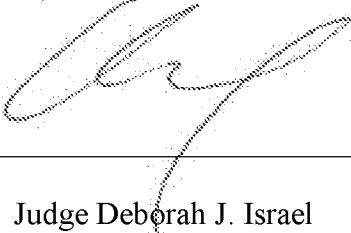
So ordered on June 9, 2022.

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

THIS ORDER SETS A REMOTE HEARING.
DO NOT COME TO THE COURTHOUSE.

IT IS FURTHER ORDERED, that Plaintiff shall file by **July 5, 2022** the Marriage Certificate and an Affidavit in Compliance with the Servicemembers Civil Relief Act. It is further **ORDERED**, the parties shall appear for a **remote** Continued Initial Hearing on **July 12, 2022 at 9:30 AM.** Failure to appear may result in the issuance of a default judgment, a dismissal, or sanctions.

IT IS SO ORDERED.



Judge Deborah J. Israel

Copies to:

Laurence Socci, Esq.
Via CaseFileXpress
Counsel for Plaintiff

Kirima Walker
10509 Opus Drive
Riverview, FL 33579
Via First Class Mail
Defendant

**Instructions to Attend Remote Hearing or Trial
Before Judge Deborah J. Israel in Remote Courtroom JM5**

If you are able to do so, you must participate by video. If you are unable to participate by video, you may participate by telephone, but you need to obtain the Court's permission to do so in advance of your hearing. If you have any questions or concerns, please call (202) 879-1212.

Please note:

- If you are placed in the courtroom lobby, please wait until the Court admits you to the remote courtroom.
- When you reach the remote courtroom, there may already be a hearing in progress. Please wait for the judge or courtroom clerk to address you before you speak.
- Before and during your hearing, please mute your video/phone whenever you are not speaking. Doing so makes it easier for the Court to understand those speaking.

THIS ORDER SETS A REMOTE HEARING.
DO NOT COME TO THE COURTHOUSE.

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

(1) Open Web Browser in Google Chrome and enter:
<https://dccourts.webex.com/meet/ctbjm5>. Select Join Meeting.

OR

(2) Open Web Browser in Google Chrome and enter: <https://dccourts.webex.com>. Select Join Meeting, enter Meeting ID: 129 641 6611.

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: <https://dccourts.webex.com/meet/ctbjm5>, enter your name and e-mail.

To access the remote courtroom by phone (ONLY WITH PERMISSION OF THE COURT):

Call 1 (202) 860-2110 or 844-992-4726 and enter Meeting ID:129 641 6611##.