

CASE NO: A-20-807906-C
Department 6

COMP
AARON D. FORD
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Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

BARBARA CEGAUSKE,
Nevada Secretary of State,

Plaintiff,

vs.

CHRISTIAN GRONAU, an individual,
and ABRA-CADABRA WELDING, INC.,
a Nevada corporation,

Defendants.

Case No.
Dept. No.

COMPLAINT FOR INJUNCTIVE RELIEF & STATUTORY CIVIL PENALTIES
[Exemption from Arbitration Claimed – NAR 3(A) – Equitable Relief Requested]

Plaintiff Barbara Cegavske (“Plaintiff”), in her official capacity as Nevada’s Secretary of State, through counsel, Aaron D. Ford, Attorney General, and Brandee Mooneyhan, Deputy Attorney General, hereby complains and alleges as follows:

I. Parties

1. Plaintiff is Nevada’s duly elected Secretary of State, and in that official capacity brings this action.

2. Defendant Christian Gronau (“Gronau”) is an individual who is now and at all times relevant to this Complaint believed to have been, a resident of Clark County, Nevada.

1 3. Defendant Abra-Cadabra Welding, Inc. (“Abra-Cadabra”) is a Nevada domestic for-
2 profit corporation that is currently in “Permanently Revoked” status.

3 **II. General Allegations**

4 4. The Secretary of State is responsible for enforcing the state business license
5 provisions in NRS Chapter 76.

6 5. Abra-Cadabra was formed as a Nevada domestic for-profit corporation on or about
7 March 31, 2005. Abra-Cadabra maintained its status as an active corporation until 2010,
8 when it fell into default status.

9 6. Defendants are currently and actively doing business in Nevada by operating as a
10 welding contractor in the Las Vegas and Clark County areas.

11 7. None of the Defendants have a current Nevada state business license.

12 8. Defendant Abra-Cadabra is in “Permanently Revoked” status due to the failure to
13 maintain the annual list of officers and state business license with the Secretary of State’s
14 Office.

15 9. Plaintiff has sent multiple notices to Defendants demanding that they obtain a state
16 business license and bring Abra-Cadabra into compliance with Nevada law.

17 10. To date, Defendants have failed or refused to obtain a state business license or to
18 bring Abra-Cadabra into compliance with NRS Chapter 76.

19 11. As a result, Defendants currently owe \$8,625 to the Secretary of State in fees and
20 late penalties; Defendants are additionally subject to two (2) separate statutory civil
21 penalties of not less than \$1,000 and not more than \$10,000, for a total statutory civil
22 penalty of not less than \$2,000 and not more than \$20,000. NRS 78.047; NRS 78.180.

23 **FIRST CLAIM FOR RELIEF**
24 **Doing Business Without a License, in Violation of NRS 76.100**
25 **(Against All Defendants)**

26 12. NRS 76.100(1) provides in part that “[a] person shall not conduct a business in this
27 State unless and until the person obtains a state business license issued by the Secretary
28 of State.”

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1 13. An entity that is required to file an initial or annual list of officers with the Secretary
2 of State must obtain a state business license at the time of filing its initial or annual list.
3 NRS 76.100(1)(a).

4 14. Defendant Abra-Cadabra is a Nevada domestic for-profit corporation and as such is
5 an entity that is required to file an initial and annual list of officers pursuant to NRS
6 78.150.

7 15. Defendant Gronau is the owner and an officer of Abra-Cadabra.

8 16. Defendant Gronau has failed to obtain a state business license for Abra-Cadabra
9 since 2010, and therefore is in violation of NRS 76.100(1).

10 17. Defendant Abra-Cadabra has not been dissolved.

11 18. Defendant Christian Gronau is actively engaged in the day-to-day operations of the
12 business of Abra-Cadabra.

13 19. Defendants are currently conducting business in Nevada without a state business
14 license and have been doing so since 2010.

15 20. Defendants are therefore in violation of NRS 76.100 and are subject to the fees and
16 penalties set forth in NRS 76.130 for each year in which they conducted business in Nevada
17 without a state business license. NRS 76.130(4) provides that, in addition to the business
18 license fee of \$500 per year provided for in NRS 76.130(2), an entity is subject to a penalty
19 of \$100 for each year in which it conducts business in Nevada without a state business
20 license.

21 21. Defendants therefore owe the Secretary of State business license fees and penalties
22 for the years 2010 through 2019, inclusive, totaling \$6,000 (a \$500 fee and \$100 penalty for
23 each year from 2010 through 2019).

24 **SECOND CLAIM FOR RELIEF**
25 **Statutory Civil Penalties for Doing Business Without a License (NRS 76.180)**
26 **(Against All Defendants)**

27 22. NRS 76.180 provides that a person who conducts business in Nevada but willfully
28 fails or neglects to renew a state business license and pay the required fees is subject to a
fine of not less than \$1,000 and not more than \$10,000.

1 23. Defendants are currently and actively engaged in business in Clark County,
2 Nevada, by operating as a welding contractor without having obtained a state business
3 license since 2010.

4 24. The Secretary of State has given notice to Defendants regarding their failure to
5 obtain a state business license.

6 25. Despite such notice and opportunity to obtain a state business license, Defendants
7 have willfully failed or neglected to do so.

8 26. Therefore, Defendants are additionally liable for statutory civil penalties pursuant
9 to NRS 76.180, in an amount not less than \$1,000 and not more than \$10,000.

10 **THIRD CLAIM FOR RELIEF**
11 **Failing to Maintain Corporation in Good Standing (NRS 78.150, 78.170, 78.180)**
12 **(Against All Defendants)**

13 27. NRS 78.150 requires that all corporations organized pursuant to NRS Chapter 78
14 must file an annual list stating, among other things, the names of its officers and directors.
15 The list must be accompanied by a fee of at least \$150 and not more than \$11,100,
16 depending on the capitalization of the corporation. NRS 78.150(4).

17 28. The Secretary of State has determined that Defendants' annual list fee is \$150.

18 29. NRS 78.170 provides that a corporation that fails to file the annual list required by
19 NRS 78.150(2) within the time provided to do so is deemed to be in default. A \$75 penalty
20 is added to the fee required by NRS 78.150 for each year in which the corporation fails to
21 file the annual list. NRS 78.170(3).

22 30. Since 2010, Defendants have failed to file the annual list of officers and pay the
23 required fees to keep Abra-Cadabra in good standing.

24 31. As a result, Abra-Cadabra defaulted, its charter was revoked, and its right to do
25 business was forfeited in April 2010, pursuant to NRS 78.175.

26 32. Defendants have nevertheless continued to do business as Abra-Cadabra Welding,
27 Inc., by operating as a welding contractor in Clark County.

28 33. Defendants are therefore in violation of NRS 78.150 and pursuant to NRS 78.180
must pay applicable fees and penalties for each year or portion thereof in which they were

1 required to file the annual list and failed to do so (a \$150 annual list fee and \$75 penalty
2 for the years 2010 through 2019, inclusive); additionally, Defendants are subject to a
3 reinstatement fee of \$300, NRS 78.180(1)(b)(3), and a new filing fee of \$75, NRS 78.760(1).
4 Accordingly Defendants now owe the Secretary of State an amount estimated at this time
5 to be \$2,625 in annual fees, late penalties, and reinstatement and filing fees.

6 **FOURTH CLAIM FOR RELIEF**
7 **Statutory Civil Penalties for Doing Business as a Corporation While in Revoked Status**
8 **(NRS 78.047, 78.175, 78.400)**
9 **(Against All Defendants)**

10 34. NRS 78.047 provides that any person other a foreign corporation which purports to
11 do business in Nevada but willfully fails or neglects to file its articles of incorporation with
12 the Secretary of State is subject to statutory civil penalties of not less than \$1,000 and not
13 more than \$10,000.

14 35. NAC 78.400 provides that a person doing business as a corporation while that
15 corporation is in terminated status, including “revoked” and “permanently revoked” status,
16 may be referred to the Attorney General or district attorney to institute proceedings
17 pursuant to NRS 78.047.

18 36. Since 2010, Defendants have failed to file the annual list of officers and pay the
19 required fees to keep Abra-Cadabra in good standing.

20 37. As a result, Abra-Cadabra’s charter was revoked and its right to do business was
21 forfeited in April 2010, pursuant to NRS 78.175.

22 38. The Secretary of State has given notice to Defendants regarding the failure to keep
23 Abra-Cadabra in good standing and the revocation of its charter.

24 39. Despite such notice and opportunity to reinstate Abra-Cadabra to good standing,
25 Defendants have failed or neglected to do so.

26 40. Defendants have nevertheless continued to do business as Abra-Cadabra Welding,
27 Inc., by operating as a welding contractor in Clark County.

28 41. Therefore, Defendants are additionally liable for statutory civil penalties pursuant
to NRS 78.047, in an amount not less than \$1,000 and not more than \$10,000.

1 WHEREFORE, Plaintiff prays the Court enter an order for the following relief:

2 1. An injunction prohibiting Defendants from continuing to conduct business in Nevada
3 unless or until they obtain a state business license and pay to the Secretary of State all
4 applicable fees and penalties related to its lapsed business license, estimated at this time
5 to be \$6,000;

6 2. An injunction prohibiting Defendants from continuing to conduct business in Nevada
7 as Abra-Cadabra Welding, Inc., unless or until they bring Abra-Cadabra back into good
8 standing and pay all applicable annual list fees, late fees, and reinstatement and filing fees,
9 calculated at this time to be \$2,625;

10 3. That Defendants pay to Plaintiff statutory civil penalties pursuant to NRS 76.180
11 for the failure to obtain a state business license in an amount not less than \$1,000 and not
12 more than \$10,000;

13 4. That Defendants pay to Plaintiff statutory civil penalties pursuant to NRS 78.047
14 for purporting to do business as a corporation while that corporation is in revoked status,
15 in an amount not less than \$1,000 and not more than \$10,000;

16 5. That Defendants pay to Plaintiff reasonable attorney fees and costs incurred in the
17 bringing of this action; and

18 6. For such other relief as the Court deems just.

19 Dated: January 3, 2020

20 AARON D. FORD
Attorney General

21 By: 
22 BRANDEE MOONEYHAN, Bar No. 7451
23 Deputy Attorney General

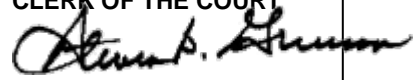
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1 **NOTC**
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3 Deputy Attorney General
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7 *Attorneys for Plaintiff*

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

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12 BARBARA CEGAUSKE,
Nevada Secretary of State,

13 Plaintiff,

14 vs.

15 CHRISTIAN GRONAU, an individual,
16 and ABRA-CADABRA WELDING, INC.,
a Nevada corporation,

17 Defendants.
18

Case No. A-20-807906-C

Dept. No. 6

19 **NOTICE OF RELATED CASE**

20 Plaintiff Barbara Cegavske, in her official capacity as Nevada's Secretary of State,
21 through counsel, Aaron D. Ford, Attorney General, and Brandee Mooneyhan, Deputy
22 Attorney General, hereby provides notice pursuant to EDCR 2.49(c) that this action is
23 related to another action that was previously filed in this court:

24 *Barbara Cegavske v. Christian Gronau*, Case No. A-18-783219-C, Department 26

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1 Both actions involve the same parties and are based on the same or similar claims.
2 In the prior action, Defendants were not served with process and did not appear, and that
3 action was voluntarily dismissed without prejudice pursuant to NRCP 41(a)(1) on April 9,
4 2019.

5 Dated: January 23, 2020

6 AARON D. FORD
Attorney General

7 By: 
8 BRANDEE MOONEYHAN, Bar No. 7451
9 Deputy Attorney General

10
11 **AFFIRMATION**
12 **(Pursuant to NRS 239B.030)**

13 The undersigned does hereby affirm that the foregoing document does not contain
14 the social security number of any person.

15 Dated: January 23, 2020

16 AARON D. FORD
Attorney General

17 By: 
18 BRANDEE MOONEYHAN, Bar No. 7451
19 Deputy Attorney General


1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada
3 and that on January 23, 2020, I filed the **NOTICE OF RELATED CASE** via this Court's
4 electronic filing system. Parties that are registered with this Court's EFS will be served
5 electronically. The following parties are not registered and therefore, a copy of this
6 document has been placed in the U.S. mail, first-class mail, postage prepaid:

7
8 Christian Gronau
6205 Burnt Hills Dr.
9 Las Vegas NV 89130

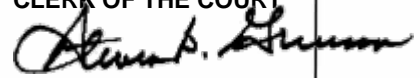
10 Abra-Cadabra Welding, Inc.
Attn: Susanna Gronau
11 6205 Burnt Hills Dr.
12 Las Vegas NV 89130

13 Christian Gronau
6635 Boulder Hwy. #167
14 Las Vegas NV 89122

15
16 

17

LIZ STERN, an employee of
18 the office of the Nevada Attorney General



1 **EXMT**
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2 Attorney General
BRANDEE MOONEYHAN, Bar No. 7451
3 Deputy Attorney General
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7 *Attorneys for Plaintiff*

8
9 DISTRICT COURT OF NEVADA
10 COUNTY OF CLARK

11
12 BARBARA CEGAVSKY, Nevada
Secretary of State,

13 Plaintiff,

14 v.

15 CHRISTIAN GRONAU, an Individual,
16 and ABRA-CADABRA WELDING, INC.,
17 a Nevada corporation,

18 Defendants.

Case No.: A-20-807906-C

Dept.: 6

19
20 **PLAINTIFF'S EX-PARTE MOTION TO (1) EXTEND TIME TO SERVE PROCESS;**
21 **and (2) ALLOW SERVICE OF PROCESS BY PUBLICATION**

22 Plaintiff Barbara Cegavske, in her official capacity as Nevada's Secretary of State,
23 through counsel, Aaron D. Ford, Attorney General, and Brandee Mooneyhan, Deputy
24 Attorney General, moves for (1) an extension of time to effect service upon Defendants;
25 and (2) to effect such service by publication.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 On January 3, 2020, Plaintiff filed a complaint in this matter for injunctive relief
4 and statutory civil penalties against Defendants Christian Gronau, an individual, and
5 Abra-Cadabra Welding, Inc., a Nevada corporation, alleging that Defendants are
6 conducting business in Nevada without a state business license and have failed to
7 maintain the corporation of Abra-Cadabra Welding, Inc., in good standing since 2010
8 (“Complaint”). Plaintiff previously pursued a complaint alleging the same causes of action
9 against Defendants. *See* Case No. A-18-783219-C. That case was voluntarily dismissed
10 after Plaintiff was unable to serve Defendants despite numerous attempts.

11 In the instant matter, Plaintiff has attempted to serve Defendant Gronau once at
12 the address on file with the Secretary of State’s Office and several times at what appears
13 to be his current residence. The numerous unsuccessful service attempts between the two
14 cases evidences a pattern on Defendant Gronau’s part of evading service. Plaintiff
15 respectfully asserts that good cause supports a 60-day extension of time to effect service
16 upon Defendants and approval of service by way of publication.

17 **A. Standard for Extending Time**

18 NRCP 4(e)(1) requires that service of process be made within 120 days of filing a
19 complaint. However, a court may extend the time to effectuate service if good cause is
20 shown. NRCP 4(e)(3). “The determination of good cause is within the district court’s
21 discretion.” *Scrimmer v. Eighth Judicial Dist. Court*, 116 Nev. 507, 513, 998 P.2d 1190, 1193-
22 94 (2000). The Nevada Supreme Court has identified several factors that a district court
23 may consider in determining whether an extension of time to serve should be granted:

- 24 (1) difficulties in locating the defendant, (2) the defendant’s efforts at evading
25 service or concealment of improper service until after the 120-day period has
26 lapsed, (3) the plaintiff’s diligence in attempting to serve the defendant, (4)
27 difficulties encountered by counsel, (5) the running of the applicable statute of
28 limitations, (6) the parties’ good faith attempts to settle the litigation during
the 120-day period, (7) the lapse of time between the end of the 120-day period
and the actual service of process on the defendant, (8) the prejudice to the
defendant caused by the plaintiff’s delay in serving process, (9) the defendant’s

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1 knowledge of the existence of the lawsuit, and (10) any extensions of time for
2 service granted by the district court.

3 *Id.* at 516, 998 P.2d at 1196. No single factor is controlling. *Id.* at 516, 998 P.2d at 1195.
4 Although the purpose of the 120-day service deadline is to encourage prompt prosecution
5 of complaints, it is not an automatic sanction to impose when a plaintiff fails to make
6 service within the 120 days, and public policy generally favors adjudicating cases on their
7 merits. *Id.* at 516-17, 998 P.2d at 1196.

8 **B. Good Cause Supports an Extension of Time to Serve Defendants**

9 The 120-day period to serve Defendants will lapse on May 4, 2020; as this motion is
10 made before expiration of the time to serve, the motion itself is timely. NRCPC 4(e)(3); *cf.*
11 *Saavedra-Sandoval v. Wal-Mart Stores*, 245 P.3d 1198, 1201 (Nev. 2010) (plaintiff must
12 show good cause if motion is untimely). Good cause exists for extending the deadline to
13 serve Defendants.

14 After filing the Complaint, Plaintiff sought to have Defendant Gronau personally
15 served at both the address he provided to the Secretary of State's Office when he
16 incorporated Abra-Cadabra Welding, Inc. in 2005, and the address on Boulder Highway
17 where it appears he actually resides. *See Affidavit, below.* However, despite evidence
18 tending to confirm that Defendant Gronau does indeed live at the Boulder Highway
19 address, including verbal confirmation by the manager of the mobile home park where the
20 residence is located and a truck with "Abra-Cadabra Welding" and what appears to be
21 Defendant Gronau's cell phone number painted on it outside the residence, Plaintiff has
22 been unable to serve him. *Id.* It appears that Defendant Gronau is attempting to evade
23 service. *Id.* Further, it appears that the resident agent listed for Abra-Cadabra Welding,
24 Inc., Susanna Gronau, was married to Defendant Gronau when the corporation was
25 formed, but has been divorced from him since 2015, no longer lives at the address provided
26 to the Secretary of State, and no longer wishes to have anything to do with the business.
27 *Id.* Of course, the failure to make the appropriate filings with the Secretary of State's
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1 Office, which underlies this matter, contributes to the lack of current information
2 regarding the persons involved.

3 Addressing the factors set forth in *Scrimmer*, Plaintiff notes that locating Defendants
4 has been complicated by Defendant Gronau's failure to maintain a correct and updated
5 address with the Secretary of State. It appears that while Plaintiff has determined the
6 correct address for Defendant Gronau and has diligently attempted service numerous
7 times, Defendant Gronau is intentionally attempting to evade service by not answering
8 his door or responding to attempts to reach him. Further, if this Court grants this motion,
9 Plaintiff will publish service promptly, and it appears the lapse of time between the end
10 of the 120-day period of time to serve and the date of actual service on Defendants will be
11 relatively minimal. It does not appear that Defendants will be prejudiced by a relatively
12 brief extension of time to effect service and such an extension would further the policy of
13 determining cases on their merits. Finally, this is the first extension of time requested by
14 Plaintiff. Thus good cause exists for requesting an extension of time. In order to account
15 for any unexpected delays and avoid further requests for extension, Plaintiff is requesting
16 a reasonable amount of time, 60 days from approval by this Court, to effect service on
17 Defendants.

18 **C. Standard for Allowing Service by Publication**

19 Per NRCP 4.4(a)(b)(1), district courts have discretion to authorize plaintiffs to
20 effectuate service by publication when traditional service methods are impracticable.
21 NRCP 4.4(c)(1) instructs that service by publication may be ordered when a defendant
22 "cannot, after due diligence, be found" or "by concealment seeks to avoid service of the
23 summons and complaint."

24 NRCP 4.4(c)(2) provides additional factors that must be addressed in seeking
25 service by publication:

26 (2) *Motion Seeking Publication.* A motion seeking an order for service by
publication must:

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- 1 (A) Through pleadings or other evidence establish that:
2 (i) a cause of action exists against the defendant who is to be
served; and
3 (ii) the defendant is a necessary or proper party to the action;
4 (B) Provide affidavits, declarations, or other evidence setting forth
specific facts demonstrating the efforts that the plaintiff made to locate and
5 serve the defendant;
6 (C) Provide the proposed language of the summons to be used in the
publication, briefly summarizing the claims asserted and the relief sought and
7 including any special statutory requirements;
8 (D) Suggest one or more newspapers or other periodicals in which the
summons should be published that are reasonably calculated to give the
9 defendant actual notice of the proceedings; and
10 (E) If publication is sought based on the fact that the defendant
cannot be found, provide affidavits, declarations, or other evidence establishing
11 the following information:
12 (i) the defendant's last-known address;
13 (ii) the dates during which the defendant resided at that
location; and
14 (iii) confirmation that the plaintiff is unaware of any other
address at which the defendant has resided since that time, or at which the
15 defendant can be found.

16 **D. Service by Publication is Warranted Here**

17 Consideration of the factors set forth in NRCP 4.4(c)(2) supports that serving
18 Defendants by publication is proper. Despite diligent efforts and repeated service
19 attempts, detailed in counsel's affidavit below, Plaintiff has been unable to successfully
20 serve Defendants, due in large part to Defendant Gronau's apparent attempts to actively
21 conceal himself and avoid service.

22 As described above and in the Complaint, Defendant Gronau incorporated
23 Defendant Abra-Cadabra Welding, Inc. in 2005, and since 2010, has failed to keep the
24 Secretary of State apprised of his address. Because the Complaint is based on these
25 failures and seeks injunctive relief against Defendants, Christian Gronau and Abra-
26 Cadabra Welding, Inc., are undoubtedly necessary parties. Service has been attempted
27 multiple times at an address that appears to be Defendant Gronau's residence and at
28 which a vehicle painted with "Abra Cadabra Welding" and what appears to be Defendant
Gronau's cell phone was parked. At least twice, movement was heard in the residence, but
nobody answered the door. Plaintiff is unaware of other addresses at which Defendants
might be found.

1 Plaintiff proposes to use the language of the summonses issued on January 3, 2020,
2 in any service by publication and proposes that such publication be made in the *Las Vegas*
3 *Review-Journal*.

4 Based on the foregoing information, Plaintiff respectfully requests that this Court
5 authorize service on Defendants by way of publication.

6 **Conclusion**

7 For the foregoing reasons, Plaintiff asserts that good cause exists to allow service of
8 the Summons and Complaint in this matter by way of publication and that the time to do
9 so be extended by 60 days from entry of this Court's order.

10 DATED this 4th day of May 2020.

11 AARON D. FORD
12 Attorney General

13 By: Brandee Mooneyhan
14 BRANDEE MOONEYHAN Bar No. 7451)
15 Deputy Attorney General

16 *Attorneys for Plaintiff*

17 **AFFIRMATION**
18 **(Pursuant to NRS 239B.030)**

19 The undersigned does hereby affirm that the foregoing document does not contain
20 the social security number of any person.

21 DATED this 4th day of May 2020.

22 AARON D. FORD
23 Attorney General

24 By: Brandee Mooneyhan
25 BRANDEE MOONEYHAN Bar No. 7451)
26 Deputy Attorney General

27 *Attorneys for Plaintiff*

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///

1 **AFFIDAVIT OF BRANDEE MOONEYHAN, ESQ., IN SUPPORT OF**
2 **MOTION TO EXTEND TIME TO SERVE DEFENDANTS AND TO SERVE**
3 **DEFENDANTS BY PUBLICATION**

4 STATE OF NEVADA)
5 COUNTY OF WASHOE) ss:

6 Brandee Mooneyhan, being duly sworn, deposes and says:

7 1. The statements contained herein, except where otherwise indicated to be
8 upon information and belief, are based on my personal knowledge, are true, accurate, and
9 correct, are made under penalty of perjury, and if I am called to testify regarding the
10 matters herein, I would testify consistently therewith.

11 2. I am an attorney licensed to practice law in the State of Nevada and represent
12 the Plaintiff in this matter.

13 3. I make these statements in support of the motion of the Plaintiff, Barbara
14 Cegavske, Nevada Secretary of State, to extend the time to serve the Summons and
15 Complaint on Defendants Christian Gronau and Abra-Cadabra Welding, Inc., in the case
16 of *Cegavske v. Gronau*, Case No. A-20-807906-C, in the Eighth Judicial District Court of
17 the State of Nevada.

18 4. Plaintiff has been unable to serve a copy of the Summons and Complaint on
19 Defendants within 120 days from the filing of the Complaint as required by NRCP 4(e)(1).

20 5. Defendant Gronau is listed as the president, treasurer, and director of
21 Defendant Abra-Cadabra Welding, Inc., in the Articles of Incorporation on file with the
22 Nevada Secretary of State's Office.

23 6. Susanna Gronau is listed as the secretary and registered agent for Defendant
24 Abra-Cadabra Welding, Inc., in the Articles of Incorporation on file with the Nevada
25 Secretary of State's Office.

26 7. No documents have been filed with the Nevada Secretary of State's Office on
27 behalf of Abra-Cadabra Welding, Inc. since 2009; the failure to file required documents
28 underlies the Complaint in this action.

1 8. The Nevada Secretary of State’s Office previously pursued a similar
2 complaint against the Defendants in *Cegavske v. Gronau*, Case No. A-18-783219-C (“prior
3 litigation”).

4 9. The address on file with the Nevada Secretary of State for both Christian
5 Gronau and Susanna Gronau is 6205 Burnt Hills Drive, Las Vegas, Nevada 89130.

6 10. On information and belief, in the prior litigation, on November 1, 2018,
7 service on Susanna Gronau as the registered agent for Abra-Cadabra Welding, Inc., was
8 attempted by Legal Wings at the address on file with the Nevada Secretary of State’s
9 Office – specifically, 6205 Burnt Hills Drive, Las Vegas, Nevada 89130.

10 11. On information and belief, during the November 1, 2018 service attempt at
11 the Burnt Hills Drive address, the process server encountered a person named “Miguel”
12 who stated that he lived at that address and had done so for the previous two-and-a-half
13 years; Miguel also stated that Susanna Gronau lived at that address before him, but he
14 did not have a forwarding address for her.

15 12. On information and belief, after the failed service attempt at the Burnt Hills
16 Drive address, the Investigations Division of the Attorney General’s Office determined a
17 new, possibly more accurate address for Susanna Gronau¹ and attempted to serve her
18 there on November 9, 2018. Nobody answered the door, but an investigator left a note
19 asking Ms. Gronau to contact him.

20 13. On information and belief, Ms. Gronau called the investigator on November
21 11, 2018. When told that he was trying to serve her a summons and complaint, she
22 inquired if it involved “Christian’s business”; when told yes, she stated she had nothing to
23 do with the business and was not responsible.

24 14. On information and belief, follow-up attempts to contact or find Susanna
25 Gronau were unsuccessful.

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28 ¹ Susanna Gronau’s address is not provided here in an abundance of caution.

1 15. On information and belief, it appears Susanna Gronau and Defendant
2 Gronau were previously married, but were divorced in Clark County, Nevada, on
3 approximately April 26, 2016. *See* Case No. D-15-511057-D.

4 16. In the prior litigation, complainants who initiated the complaint with the
5 Nevada Secretary of State's Office indicated that Defendant Christian Gronau lived at
6 6635 Boulder Highway #167, Las Vegas, Nevada 89122.

7 17. On information and belief, a process server for Legal Wings attempted to
8 serve Defendant Gronau at the Boulder Highway address four times between October 31,
9 2018 and November 4, 2018. On the third attempt on November 3, 2018, the process server
10 noticed a vehicle in front of the residence with "Abra Cadabra Welding/Nevada Welding"
11 painted on it and left a note on that vehicle requesting Defendant Gronau contact the
12 server.

13 18. On information and belief, on November 4, 2018, the process server noted the
14 same vehicle in front of the residence and that the note left on it on November 3rd was
15 gone. However, again, there was no answer at the residence.

16 19. On information and belief, on November 8, 2018, investigators from the
17 Nevada Attorney General's Office attempted service on Defendant Gronau at the Boulder
18 Highway address. Again, a vehicle with "Abra Cadabra Welding" painted on it was
19 observed in front of the residence and again, there was no answer at the residence. On
20 information and belief, an investigator left a business card on the driver's side of the
21 welding truck with a message on the back to contact the investigator as soon as possible.

22 20. On information and belief, on November 18, 2018, investigators from the
23 Nevada Attorney General's Office again attempted service on Defendant Gronau at the
24 Boulder Highway address. Similar to the prior attempt, the investigators observed a
25 vehicle with "Abra Cadabra Welding" painted on it in front and there was no answer. An
26 investigator again left a business card on the driver's side of the truck asking Defendant
27 Gronau to please contact him as soon as possible.

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1 21. Attempts to find a work address for Defendant Gronau were unsuccessful, as
2 were attempts at contacting him by telephone.

3 22. After the numerous attempts to serve Defendants in the prior litigation were
4 unsuccessful, the complaint in that matter was ultimately voluntarily dismissed.

5 23. The Nevada Secretary of State's Office continued to receive citizen
6 complaints about Abra-Cadabra Welding, Inc., operating without a business license and
7 determined to pursue the instant Complaint.

8 24. On information and belief, an investigator with the Nevada Attorney
9 General's Office has attempted to serve Defendant Gronau with the Summons and
10 Complaint in the instant matter five times:

- 11 • On January 10, 2020, the investigator tried to serve Defendants at the original
12 address on file with the Nevada Secretary of State's Office at 6205 Burnt Hills
13 Drive. The current occupants stated that they had lived there since September
14 2016, which the investigator verified by consulting Clark County Assessor
15 records.
- 16 • On January 16, 2020, the investigator attempted to serve Defendant Gronau at
17 the Boulder Highway address. The manager of the trailer park confirmed that
18 Defendant Gronau lives at that address.
- 19 • On January 17, 2020, the investigator attempted service at the Boulder Highway
20 address in the evening; there was no vehicle outside and no answer at the door.
- 21 • On January 21, 2020, the investigator attempted service at the Boulder Highway
22 address in the morning. There was a truck parked in front with "Abra-Cadabra
23 Welding" and what appears to be Defendant Gronau's cell phone number painted
24 on the door. There was no answer at the door, but the investigator heard
25 movement inside the residence.
- 26 • On January 30, 2020, the investigator again attempted service at the Boulder
27 Highway address in the morning. Again, a vehicle was parked in the front with
28 "Abra-Cadabra Welding" and Defendant Gronau's apparent cell phone number

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 painted on it. There was no answer at the door, but the investigator heard movement inside the residence.

25. Based on the foregoing, it appears that Defendant Gronau is attempting to evade service.

26. If authorized by this Court to do so, I believe service by publication can be effected within 60 days of such approval.

Further affiant sayeth naught.

Brandee Mooneyhan
BRANDEE MOONEYHAN

SIGNED AND SWORN to before me by Brandee Mooneyhan
this 4th day of May 2020.

Karen Lee Rutledge
NOTARY PUBLIC

