

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

REGINALD BOGANS,

Plaintiff,

v.

ELIZABETH BOGANS,

Defendant.

Case No. 2024 DRB 2288

Hon. Judge Laura E. Crane

Next Date: May 13, 2025 at 12:30 p.m.

**ORDER GRANTING MOTION TO SERVE BY POSTING
AND NOTICE OF HEARING**

Pending before the Court is Plaintiff’s Motion to Allow Service by Posting (“Motion”), filed on March 21, 2025 regarding Plaintiff’s Amended Complaint for Absolute Divorce (filed on February 5, 2025).

Background

In his (original) Complaint (filed July 8, 2024), Plaintiff alleges that he previously filed a Complaint for Legal Separation on September 1, 2019, which was granted by Consent on October 19, 2019. *See* Case No. 2019 DRB 3345. He noted that issues of marital debt and property were resolved in Case No. 2019 DRB 003345. Complaint ¶ 6; *see also* Case No. 2019 DRB 3345 (October 30, 2019, Judgment of Separation ¶¶ 8-9). He affirms that parties have remained separated since legal separation was granted, with no hope for reconciliation.¹ Complaint ¶ 8. He requests the Court issue a judgment of divorce.

¹ Plaintiff filed a Motion to Enlarge on February 21, 2024, which was denied for failure to attach an affidavit stating that the parties did not reconcile and continued to live separate lives without interruption for the requisite six months or one year period. *See* September 17, 2024 Scheduling Order; *see* D.C. Code § 16-905.

Notices were issued to both parties informing them of an Initial Hearing set for August 19, 2024 at 2:00 p.m. with Judge Wiedmann. A Summons was issued to Defendant Elizabeth Bogans regarding this Initial Hearing. On July 26, 2024, Plaintiff filed a Return of Service stating that he served Defendant by providing electronic copies of the Complaint via text message and an attachment of this message was included. *See* July 26, 2024 Return of Service.

At the Initial Hearing on August 19, 2024, Plaintiff appeared in person with Counsel. Defendant Elizabeth Bogans did not appear. At that time, the Court attempted to reach the Defendant at the phone number provided but was unable to. The Court determined that it was unclear if that was a working phone number for Defendant and found that Defendant was not properly served. The Court granted Plaintiff's request for additional time to serve Defendant. *See* September 17, 2024 Scheduling Order.

Plaintiff's attorney filed a Motion to Serve by Posting on October 7, 2024, detailing Plaintiff's efforts to locate and serve Defendant. Plaintiff mailed the Summons and Complaint by certified mail to Plaintiff's last known address but received a return receipt that she was not found. Plaintiff called Defendant's last known phone number, the "411" operator, Defendant's last known employer, Defendant's known associates, jails and prisons, and military branches—among other methods—but was unable to obtain any current information or records for Defendant. Documentation of these efforts was filed as well. Plaintiff identified that Defendant is a party to a civil case in Maryland through the Calvert County Circuit Court. *See* October 7, 2024 Additional E-Filing Documents. The Court was informed with an Affidavit of Non-Service from that case that Defendant did not appear for the hearing and attempts at service were unsuccessful. Based on the foregoing, the Court found that Plaintiff had made diligent efforts to locate Defendant and granted his October 7, 2024 Motion to Serve by Posting.

At the December 11, 2024 hearing Plaintiff appeared in person with counsel. Defendant did not appear. For the first time at this hearing, Plaintiff raised an issue regarding marital property that was not previously raised in the Complaint or in the subsequent hearings. Specifically, he had learned that Ms. Bogans name had been added to a later deed for the marital home and accordingly any Judgment of Absolute Divorce would need to include language regarding removal of Ms. Bogans' name from the deed. Because this was not included in the Complaint and Ms. Bogans had no notice of this issue, the Court advised that Plaintiff would need to file an Amended Complaint and complete service of that filing on Ms. Bogans. The Court set a further hearing date.

On February 5, 2025, Plaintiff's attorney filed an Amended Complaint for Absolute Divorce ("Amended Complaint"). Plaintiff claims that prior to the parties' marriage (in 1980), he solely acquired real property at 800 51st Street NE, Washington, D.C. 20019. Plaintiff claims that during the course of the parties' marriage, Defendant was erroneously listed as a grantor on the deed dated February 28, 1997. *See* Amended Complaint, Exh. B. Plaintiff requests that the Court grant his Amended Complaint for an Absolute Divorce and grant him sole ownership of the real property located at 800 51st Street NE, Washington, D.C. 20019.

On February 28, 2025, the Court issued an Order Directing Plaintiff to Serve Defendant with Amended Complaint or to File a Motion for Alternative Service and Rescheduling Order; the Court set a further hearing date of May 13, 2025.

Plaintiff's Motion to Serve by Publication or Posting

Plaintiff's Motion to Serve by Posting, filed March 21, 2025, details Plaintiff's efforts to locate and serve Defendant with the Amended Complaint. Plaintiff claimed the last time he has lived with or had contact Defendant was October 19, 2019. As detailed in his Motion to Serve by Posting, Plaintiff mailed the Summons and Complaint by certified mail to Plaintiff's last known

address but received a return receipt that she was not found. Plaintiff called Defendant's last known phone number, the "411" operator, Defendant's last known employer, Defendant's known associates and family members, jails and prisons, and military branches—among other methods—but was unable to obtain any current information or records for Defendant. Plaintiff provided screenshots of steps he took to find Defendant such as searching her name amongst the active-duty military database, and the Federal Bureau of Prison's inmate search. *See* March 21, 2025 Additional E-Filing. Plaintiff hired a process server to conduct research into Defendant's address and contact information, but the process server was unable to obtain any current information or records for Defendant. Documentation of these efforts was attached to Plaintiff's Motion.

Based on the foregoing, and for the reasons previously set forth in the October 17, 2024, Order, the Court finds that Plaintiff has made diligent efforts to locate Defendant to serve her with the Amended Complaint and that further efforts are likely to be futile. As such, the Court finds that the efforts that have been undertaken are sufficient to support a motion for alternative service. The Court next considers Plaintiff Mr. Bogans's request for service by posting, rather than publication.

Pursuant to Super. Ct. Dom. Rel. R. 4(c)(4)(D) and D.C. CODE § 13-340(a), the Court may authorize service by posting notice in the Clerk's Office of the Family Court for a period of twenty-one (21) days if the cost of publication would impose a substantial financial hardship. The Court finds that the cost of publication would impose a substantial financial hardship and will therefore authorize service posting of the below notice for a period of twenty-one (21) days in the Clerk's Office and on the Court's website, www.dccourts.gov/services/service-notice. If Defendant Elizabeth Bogans fails to file a responsive pleading within the time allowed after she has been served, the Court may enter default by order and convert the next hearing into a default/*ex parte*

hearing to take testimony from Plaintiff Mr. Bogans and file a final judgment without Defendant's participation.

Plaintiff, in his Complaint, requests the Court issue a divorce and to grant Plaintiff sole ownership of the 51st NE property. The Court will set a default hearing for May 13, 2025. If Defendant fails to appear, or fails to file a pleading before the court, the Court will issue a judgment of absolute divorce and award Plaintiff sole ownership of the property and direct that Ms. Bogans' name be removed from the deed for the property.²

WHEREFORE, it is on this 26th day of March 2025, hereby

ORDERED that Plaintiff Reginald Bogans's Motion to Serve by Posting (filed March 21, 2025) is **GRANTED**; and it is further

ORDERED, that the attached notice shall be posted in the Clerk's Office of the Family Court of the Superior Court of the District of Columbia and on the Court's website, www.dccourts.gov/services/serve-notice, for a period of twenty-one (21) calendar days in order to serve Defendant and notify her of the present action in which she is a party. It is further

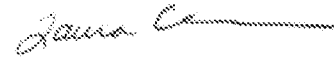
ORDERED that the parties shall appear for a **Default/Ex Parte Hearing** on **May 13, 2025, at 12:30 p.m.** The hearing will be conducted **in-person in Courtroom JM-13** at the Superior

² The Court notes that Ms. Bogans was present during the proceedings in Case No. 2019 DRB 3345; at the time the Judgment of Legal Separation by Consent was issued, the parties had agreed that all issues of marital property had been settled and Ms. Bogans was not asserting any property interest in the marital home. See Judgment of Legal Separation at 1, ¶¶ 8-9 (noting that there would be a payment of \$17,500 for Defendant to move out of the marital home within forty-five days and noting that "[t]here are no other issues of marital property or debt."). The issue of the home was addressed during that hearing and Ms. Bogans was not asserting any property interest in it at the time, nor has she made any filing in more than five years after the Judgment of Legal Separation by Consent was issued whereby she has claimed that she is owed any property interest in the marital home.

Court of the District of Columbia Moultrie Courthouse located at 500 Indiana Avenue Northwest,
Washington, D.C. 20001. **Failure to appear may result in dismissal, default, or sanctions.**

IT IS SO ORDERED.

DATE: March 26, 2025



LAURA E. CRANE
Associate Judge

Copies to:

Carmiece T. Graves, Esq.
carmiece@ctgraveslaw.com
via CaseFileXpress
Attorney for Plaintiff

Elizabeth Bogans
via Alternative Service by Posting
Defendant

REGINALD BOGANS,

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v.

ELIZABETH BOGANS,

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NOTICE OF CUSTODY PROCEEDING

ELIZABETH BOGANS 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 by May 1, 2025 and prior to the hearing scheduled for May 13, 2025 at 12:30 p.m. in Courtroom JM-13 (in person or accessible at <https://dccourts.webex.com/meet/ctbjm13>, or by dialing (844) 992-4726 and entering Meeting ID 129 435 2730, followed by "##"). If you do not file a written objection by May 1, 2025 default may be entered against you and the status hearing may be converted to a default/*ex parte* proof hearing. Your objection should be directed to the Domestic Relations Branch Clerk, Family Court, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

IF YOU DO NOT WANT TO CHALLENGE THIS COMPLAINT, you may consent to the relief sought prior to the status hearing scheduled for May 13, 2025 at 12:30 p.m. in Courtroom JM-13. For more information on how to file a Consent Answer, please contact the Self-Help Center, telephone number (202) 879-0096 and located at JM-570, Superior Court of the District of Columbia, 500 Indiana Avenue NW, Washington, DC 20001.

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