

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 25-cv-22562-JEM

XYZ CORPORATION,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE "A",

Defendants.

SEALED ORDER AUTHORIZING ALTERNATE SERVICE OF PROCESS

THIS CAUSE is before the Court on Plaintiff's *Ex Parte* Motion for Substitute Service of Process on Each Defendant ("Motion"), (ECF No. 12). This Court has reviewed the Motion, pertinent portions of the record, applicable law, and is otherwise fully advised of the premises. Accordingly, after careful consideration, the Motion is **GRANTED** as set forth herein.

Plaintiff seeks an order granting alternative service of process on Defendants the Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations Identified on Schedule "A" ("Defendants") in the Complaint, all of whom, upon information and belief, reside or operate outside the United States. Plaintiff alleges that Defendants have established Internet-based businesses and utilize electronic means as reliable forms of contact. Therefore, Plaintiff seeks to serve Defendants by both e-mail and website publication.

Rule 4(h)(2) for the Federal Rules of Civil Procedure (the "Rules") describes the various ways in which a plaintiff may serve foreign entities and incorporates the service methods set forth

in Rule 4(f). Rule 4(f)(3), in turn, provides that service may be accomplished “by other means not prohibited by international agreement, as the court orders.” Notably, alternative methods of service under Rule 4(f)(3) are available without first attempting service by other means. *Rio Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1015 (9th Cir. 2002). “So especially in a circumstance where service upon a foreign corporation under Rule 4(f)(1) or 4(f)(2) has been cumbersome, district courts have broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent with due process and are not prohibited by international agreements.” *Brookshire Brothers, Ltd. V. Chiquita Brands Int’l, Inc.*, Case No. 05-CIV-21962, 2007 WL 1577771, at *2 (S.D. Fla. May 31, 2007) (citing *Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries*, 353 F.3d 916, 921, 927 (11th Cir. 2003)).

For the following reasons, the Court finds that alternative service of process under Rule 4(f)(3) is warranted here. First, the Hague Convention does not specifically preclude service via email and website posting. Where a signatory nation has objected to the alternative means of service provided by the Hague Convention, that objection is expressly limited to those means and does not represent an objection to other forms of service, such as email or website posting. *Stat Med. Devices, Inc. v. HTL-Strefa, Inc.*, Case No. 15-cv-20590-FAM, 2015 U.S. Dist. LEXIS 122000 (S.D. Fla. Sept. 14, 2015) (noting that an objection to the alternative forms of service set forth in the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 658 U.N.T.S. 16, is limited to the specific forms of service objected to). A court acting under Rule 4(f)(3) therefore remains free to order alternative means of service where, as here, a signatory nation has not expressly objected to those means. *See Gurung v. Malhotra*, 279 F.R.D. 215, 219 (S.D.N.Y. 2011). Accordingly, the requested service methods are not prohibited by international agreement.

Second, the Defendants use at least one known and valid form of electronic contact to conduct their Internet-based businesses, and the Plaintiff is creating a website for the sole purpose of providing notice of this action to the Defendants, the address to which will be provided to the Defendants' known email accounts. Therefore, service via email and website publication is "reasonably calculated, under all circumstances, to apprise [Defendants] of the pendency of the action and afford them an opportunity to present their objections." *See Brookshire Brothers, Ltd.*, 2007 WL 1577771, at *1. Thus, the Court will exercise its discretion to allow service on the Defendants through email and website posting.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Motion, (ECF No. 12), is **GRANTED**.
2. Pursuant to Rule 4(f)(3), Plaintiff is permitted to serve the Summons, Complaint, and other relevant filings in this matter upon each Defendant in this action:
 - a. by providing the address to Plaintiff's designated serving notice website to Defendants via the email accounts provided by the Marketplace Platforms; and
 - b. by publicly posting a copy of the Summonses, Complaint, and all relevant filings in this matter on Plaintiff's designated serving notice website.

DONE AND ORDERED in Chambers in Miami, Florida, this ^{10th} day of November, 2025.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record