

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 25-cv-23740-MARTINEZ

HONG KONG LEYUZHEN
TECHNOLOGY CO. LIMITED,

Plaintiff,

v.

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

Defendants.

SEALED ORDER AUTHORIZING ALTERNATE SERVICE OF PROCESS

THIS CAUSE is before the Court on Plaintiff's *Ex Parte* Motion for Alternate Service of Process by E-mail and/or Electronic Publication (the "Motion"), (ECF No. 11). The Court has reviewed the Motion, pertinent portions of the record, applicable law, and is otherwise fully advised. Accordingly, after careful consideration, the Motion is **GRANTED** as set forth herein.

Plaintiff seeks an order granting alternate service of process on Defendants the Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations Identified in Schedule "A" to the Complaint ("Defendants"), 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) of 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.” Fed. R. Civ. P. 4(f)(3). 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 Bros., Ltd. V. Chiquita Brands Int’l, Inc.*, No. 05-CIV-21962, 2007 WL 1577771, *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)).

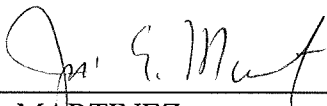
For the following reasons, the Court finds that alternate service of process under Rule 4(f)(3) is warranted here. First, the Hague Convention does not specifically preclude service via email and website posting. Where a signatory nation has objected to the alternative means of service provided by the 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.*, No. 15-cv-20590, 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) thus 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, each Defendant uses at least one known and valid form of electronic contact to conduct its Internet-based businesses, and Plaintiff is creating a website for the sole purpose of providing notice of this action to Defendants, the address to which will be provided to 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 Bros.*, 2007 WL 1577771, at *1. The Court will exercise its discretion to allow such service on Defendants.

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

1. The Motion, (ECF No. 11), 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. via e-mail by providing the URL to Plaintiff's designated website to Defendants via the e-mail address provided by that Defendant as part of the data related to its registration for its Online Store, including customer service e-mail addresses and onsite contact forms; and
 - b. via website by publicly posting copies on Plaintiff's Publication Website appearing at the URL, <http://blointernetenforcement.com>.

DONE AND ORDERED in Chambers in Miami, Florida, this 29 day of December 2025.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record