

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-62079-CIV-ALTMAN/Hunt

CHANEL, INC.,

Plaintiff,

v.

FAKESCHANELSHOP.COM, *et al.*,

Defendants.

ORDER GRANTING MOTION FOR ALTERNATE SERVICE

The Plaintiff has filed a Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (the “Motion”) [ECF No. 6]. The Court has carefully considered the Motion, the record, and the applicable law.

The Plaintiff, Chanel, Inc. (“Chanel” or “Plaintiff”), seeks an order granting alternative service of process on the Defendants, Individuals, Business Entities, and Unincorporated Associations identified in Schedule “A” attached to the Motion (collectively “Defendants”), all of which are foreign. The Plaintiff alleges that the Defendants have established Internet-based businesses and utilize electronic means as reliable forms of contact. Therefore, the Plaintiff seeks to serve the Defendants by both e-mail and by website posting.

Rule 4(h)(2) for the Federal Rules of Civil Procedure (the “Rules”) describes the various ways in which 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 e-mail 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 e-mail 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 have identified at least one known form of electronic contact, and the Plaintiff has created 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 e-mail accounts and onsite contact forms. Therefore, service via e-mail and through posting on a designated website 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 e-mail and website posting.

Accordingly, the Court hereby

ORDERS AND ADJUDGES as follows:

1. The Plaintiff’s Motion [ECF No. 6] is **GRANTED**;
2. Pursuant to Rule 4(f)(3), the Plaintiff is permitted to serve the Summonses, Complaint, and all filings in this matter upon each Defendant in this action:
 - a. via e-mail by providing the address to the Plaintiff’s designated serving notice website to the Defendants via the e-mail addresses provided by that Defendant as part of the domain registration records for each of their respective domain names, including service via registrar, or directly on the Internet website operating under each of their respective corresponding domain names, including customer service e-mail addresses and onsite contact forms. *See* Schedule “A” attached to the Plaintiff’s Motion [ECF No. 6], which lists the Defendants’ Subject Domain Names and associated means of contact; **and**
 - b. via website posting by posting a copy of the Summonses, Complaint, and all filings and discovery in this matter on the Plaintiff’s Website appearing at <http://servingnotice.com/c30pZ/index.html>.

DONE AND ORDERED in Fort Lauderdale, Florida, this ____ day of _____ 2021.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record