

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

**Tiffany (NJ) LLC v. Designerbagsdirect.com a/k/a Designerbags-
direct.com a/k/a Designerbagsdirect.shop**

Tiffany (NJ) LLC · No. 1:26-cv-21598-GAYLES · Decided March 26, 2026

SUMMARY

The United States District Court for the Southern District of Florida grants Tiffany (NJ) LLC’s motion for alternate service of process under Federal Rule of Civil Procedure 4(f)(3). The Court authorizes service on the foreign defendant through designated e-mail addresses, private messaging accounts, registrar or domain contact forms, and posting the summons, complaint, and filings on a designated website.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Darrin P. Gayles
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 26, 2026
DOCKET	1:26-cv-21598-GAYLES
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 4(f)(3) for authorization to serve the foreign defendant by e-mail and website posting.
STANDARD OF REVIEW	The district court exercises broad discretion under Federal Rule of Civil Procedure 4(f)(3) to authorize alternative service methods that comport with due process and are not prohibited by international agreement.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only

TOPICS

- service of process
- civil procedure
- commercial litigation
- commercial

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court may authorize alternative service on a foreign corporation under Federal Rule of Civil Procedure 4(f)(3) without requiring Plaintiff first to attempt service by other means.
2. Whether service by e-mail and website posting is prohibited by the Hague Convention in light of China's objection to certain Article 10 methods.
3. Whether the proposed e-mail and website-posting methods are reasonably calculated to provide Defendant notice and satisfy due process.

HOLDINGS

1. A district court may authorize alternative service on a foreign defendant under Federal Rule of Civil Procedure 4(f)(3) without requiring the plaintiff first to attempt service under Rule 4(f)(1) or 4(f)(2).
2. Service by e-mail and website posting is not prohibited by the Hague Convention where the signatory nation has not expressly objected to those specific methods, even if it has objected to other methods identified in Article 10.
3. Service by e-mail and website posting satisfies due process when the methods are reasonably calculated under the circumstances to apprise the defendant of the action and afford an opportunity to present objections.

KEY QUOTATIONS

“A court acting under Rule 4(f)(3) therefore remains free to order alternative means of service where [the] signatory nation” at issue “has not expressly objected to those means.””

“Therefore, service via e-mail and website posting is “reasonably calculated, under all circumstances, to apprise . . . [Defendant] of the pendency of the action and afford [it] an opportunity to present their objections.””

FACTUAL BACKGROUND

Plaintiff believed Defendant resided in or operated from China and operated Internet-based businesses using electronic forms of contact. Plaintiff identified known e-mail addresses, customer-service addresses, private messaging accounts, registrar contact information, and domain contact forms associated with Defendant's e-commerce stores. Plaintiff also created a website dedicated to providing Defendant notice of the action.

PROCEDURAL HISTORY

Plaintiff filed an action against Defendant and moved for an order authorizing alternate service of process. The district court granted the motion and directed Plaintiff to serve the summonses, complaint, and filings through specified e-mail, messaging, registrar, contact-form, and website-posting methods.

DISPOSITION

other

CASES CITED

- Rio Props., Inc. v. Rio Int'l Interlink, 284 F.3d 1007, 1015-16 (9th Cir. 2002)
- Brookshire Brothers, Ltd. v. Chiquita Brands Int'l, Inc., No. 05-cv-21962, 2007 WL 1577771, at *1-2 (S.D. Fla. May 31, 2007)
- Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries, 353 F.3d 916, 921, 927 (11th Cir. 2003)
- Stat Med. Devices, Inc. v. HTL-Strefa, Inc., No. 15-cv-20590, 2015 WL 5320947, at *3 (S.D. Fla. Sep. 14, 2015)
- Karsten Mfg. Corp. v. Janit Store, No. 18-61624-CIV, 2018 U.S. Dist. LEXIS 225682, at *3-4 (S.D. Fla. July 26, 2018)
- Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 1:26-cv-21598-GAYLES TIFFANY (NJ) LLC, Plaintiff, v. DESIGNERBAGSDIRECT.COM a/k/a DESIGNERBAGS-DIRECT.COM a/k/a DESIGNERBAGSDIRECT.SHOP, AN INDIVIDUAL, BUSINESS ENTITY, OR UNINCORPORATED ASSOCIATION, Defendant.
_____/ ORDER AUTHORIZING ALTERNATE SERVICE
OF PROCESS THIS CAUSE is before the Court upon Plaintiff's Motion for Order Authorizing Alternate Service of Process on Defendant Pursuant to Federal Rule of Civil Procedure 4(f)(3) (the "Motion").

[ECF No. 6]. The Court has reviewed the Motion and the record and is otherwise fully advised. In the Motion, Plaintiff requests an order authorizing alternative service of process on Defendant via electronic mail ("e-mail") and website posting. Plaintiff contends that electronic service by these means is sufficient to provide notice to Defendant, who Plaintiff believes resides in or operates from China and has established Internet-based businesses and utilizes electronic means as reliable forms of contact.

See [ECF No. 6–1]. Federal Rule of Civil Procedure Rule 4(h) outlines the proper means of service upon foreign corporations, including "at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i)." Fed. R. Civ. P. 4(h)(2). An alternative method of service under Rule 4(f)(3) is available without first attempting service by other means.

See, e.g., Rio Props., Inc. v. Rio Int'l Interlink, 284 F.3d 1007, 1015–16 (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.*, No. 05-cv-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)). The Court finds that alternative service of process under Rule 4(f)(3) is warranted, and the means of service proposed by Plaintiff are acceptable.

Although the United States and China are signatories to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (“Hague Convention”), the Hague Convention does not specifically preclude service by e-mail and website posting.

The Court notes that China has declared that it opposes to the alternative means of service outlined in Article 10 of the Hague Convention. See [ECF No. 6–1]. But the objection is specifically limited to the means of service enumerated in Article 10, and China has not expressly objected to service via e-mail or website posting. *Id.* Where a signatory nation to the Hague Convention has objected to an alternative means of service, that objection is limited to those specific 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., No. 15-cv-20590, 2015 WL 5320947, at *3 (S.D. Fla. Sep. 14, 2015) (noting that an objection to one means of service under the Hague Convention “does not equate to an express objection” to other means of service). “A court acting under Rule 4(f)(3) therefore remains free to order alternative means of service where [the] signatory nation” at issue “has not expressly objected to those means.” *Karsten Mfg.*

Corp. v. Janit Store, No. 18- 61624-CIV, 2018 U.S. Dist. LEXIS 225682, at* 3–4 (S.D. Fla. July 26, 2018). Accordingly, the requested service methods are not prohibited by international agreement. Additionally, due process is not offended by the proposed methods of service. Defendant uses at least one known and valid form of electronic contact, and Plaintiff has created a website solely to provide notice of this action to Defendant, the address to which will be provided to Defendant’s known e-mail accounts and onsite contact forms.

Therefore, service via e-mail and website posting is “reasonably calculated, under all circumstances, to apprise... [Defendant] of the pendency of the action and afford [it] an opportunity to present their objections.” *Brookshire Brothers, Ltd.*, 2007 WL 1577771, at *1 (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

Thus, the Court will exercise its discretion to allow service on Defendant through e-mail and website posting. Accordingly, it is ORDERED AND ADJUDGED that Plaintiff’s Motion, [ECF No. 6], is GRANTED. Plaintiff shall serve the Summonses, Complaint, and all filings in this matter upon Defendant by: a. providing the address to Plaintiff’s designated serving notice website

to Defendant via the e-mail addresses provided by Defendant as part of the data related to its e-commerce store, including customer service e-mail addresses, and/or private messaging accounts, or via the registrar of record e-mail address or domain contact form for the e-commerce stores, see [ECF No. 6 at 4], which lists Defendant's E-commerce Store Names and associated means of contact; and b. posting a copy of the Summonses, Complaint, and all filings in this matter in this matter on Plaintiff's designated serving notice website appearing at the URL <http://servingnotice.com/T30AbS5/index.html>.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of March 2026. DARRIN P. GAYLES UNITED STATES DIST DGE