

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Amy Doucette, et al. v. Kia America Inc., et al.

No. CV 24-731-DMG (DFMx), United States District Court for the Central District of California (April 14, 2025)

SUMMARY

The United States District Court for the Central District of California ordered plaintiffs to show cause why Kia Corporation and Hyundai Motor Company should not be dismissed without prejudice for lack of service. The court held that service on the South Korean corporations is governed by Federal Rule of Civil Procedure 4(f) and the Hague Convention, and required plaintiffs to demonstrate good cause by April 29, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dolly M. Gee
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 14, 2025
DOCKET	CV 24-731-DMG (DFMx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why Defendants KIA Corporation and Hyundai Motor Company should not be dismissed without prejudice for failure to complete service of process.
STANDARD OF REVIEW	Not applicable; the court issued an interlocutory order to show cause concerning service of process.
PRECEDENTIAL VALUE	Unreported federal district court order; precedential status is not established in the source.
PARTIES	Amy Doucette, et al. v. Kia America Inc., et al.

TOPICS

- service of process
- civil procedure
- foreign affairs

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether service on the South Korean corporate defendants is governed by Federal Rule of Civil Procedure 4(f) and the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil Matters.
2. Whether plaintiffs should be required to show good cause for their failure to effect timely service and face dismissal without prejudice if they cannot do so.

HOLDINGS

1. Because KIA Corporation and Hyundai Motor Company are foreign corporations located in South Korea, service on them is governed by Federal Rule of Civil Procedure 4(f) and the Hague Convention.
2. Plaintiffs must show good cause for their failure to effect timely service on KIA Corporation and Hyundai Motor Company; absent a timely written response demonstrating good cause, the defendants will be dismissed without prejudice.

KEY QUOTATIONS

“Since KC and HMC are foreign corporations in South Korea, Rule 4(f) and the Hague Convention govern service.” (at 1)

“If Plaintiffs do not file a written response by April 29, 2025 demonstrating good cause for the failure to effectuate timely service of process, Defendants KC and HMC shall be dismissed without prejudice.” (at 1)

FACTUAL BACKGROUND

KIA Corporation and Hyundai Motor Company are South Korean corporations headquartered in Seoul, South Korea, and were named as defendants in the original complaint. Plaintiffs had not filed proofs of service for either corporation more than a year after the complaint was filed.

PROCEDURAL HISTORY

Plaintiffs named KIA Corporation and Hyundai Motor Company in the original complaint filed April 3, 2024. More than a year later, plaintiffs had not filed proofs of service for either foreign corporation, prompting the court to order plaintiffs to show cause why the defendants should not be dismissed for failure to effect service under Federal Rule of Civil Procedure 4(f) and the Hague Convention.

DISPOSITION

other

CASES CITED

- Volkswagenwerk Aktiengesellschaft v. Schlunk, 486 U.S. 694 (1988)

- Brockmeyer v. May, 383 F.3d 798 (9th Cir. 2004)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES—GENERAL Case No. CV 24-731-DMG (DFMx) Date April 14, 2025 Title Amy Doucette, et al. v. Kia America Inc., et al. Page 1 of 1 Present: The Honorable DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE DEREK DAVIS NOT REPORTED Deputy Clerk Court Reporter Attorneys Present for Plaintiff(s) Attorneys Present for Defendant(s) None Present None Present Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY DEFENDANTS KIA CORPORATION AND HYUNDAI MOTOR COMPANY SHOULD NOT BE DISMISSED FOR LACK OF SERVICE Plaintiffs have not filed proofs of service for Defendants KIA Corporation, formerly known as KIA Motors Corporation (“KC”) and Hyundai Motor Company (“HMC”).

See Doc. # 47 at n.1. Defendants KC and HMC were first named in the original Complaint, filed April 3, 2024, more than a year ago. [Doc. # 1.] Defendant KC is a South Korean corporation with its headquarters located in Seoul, South Korea, and is the parent corporation of Defendant KIA Motors America, Inc. Compl. at ¶ 61. HMC is a South Korean Corporation with its headquarters located in Seoul, South Korea, and is the parent company of Defendant Hyundai Motor America.

Id. at ¶ 67. South Korea, officially the Republic of Korea, is a signatory to the Hague Convention.¹ Since KC and HMC are foreign corporations in South Korea, Rule 4(f) and the Hague Convention govern service. See *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 U.S. 694 (1988); *Brockmeyer v. May*, 383 F.3d 798 (9th Cir. 2004); Fed. R. Civ. P. 4(f). Plaintiffs are ORDERED TO SHOW CAUSE why Defendants KC and HMC should not be dismissed due to Plaintiffs’ failure to serve under Rule 4(f) and the Hague Convention.

If Plaintiffs do not file a written response by April 29, 2025 demonstrating good cause for the failure to effectuate timely service of process, Defendants KC and HMC shall be dismissed without prejudice. IT IS SO ORDERED. 1 For a listing of signatories to the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil Matters, see <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>.