

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Global Brother SRL v. Tushar Popat

Global Brother · No. 2:25-cv-02319-DJC-CSK · Decided December 9, 2025

OPINION

Popat

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 GLOBAL BROTHER SRL, No. 2:25-cv-02319-DJC-CSK

12 Plaintiff, 13 v. ORDER 14

TUSHAR POPAT,

15 Defendant. 16

17 18 Pending before the Court is Plaintiff's Motion for Alternative Service and Motion 19 for Attorneys' Fees and Costs. Plaintiff seeks an order for authorization of service by 20 email on Defendant under Federal Rules of Civil Procedure 4(d), 4(e) and California 21 Code of Civil Procedure § 413.30; an extension of time for service upon a showing of 22 good cause under Federal Rule of Civil Procedure 4(m); and an award of attorneys' 23 fees and costs pursuant to the Court's inherent authority. For the reasons discussed 24 below the Court GRANTS IN PART and DENIES IN PART Plaintiff's Motions.

25 BACKGROUND

26 Plaintiff Global Brother SRL, a Romanian-based publisher, filed the instant 27 action in this Court on August 13, 2025, against Defendant Tushar Popat d/b/a/ 28 zeebelle.com. (Compl. (ECF No. 1) ¶¶ 8,9.) Plaintiff brings a civil action for copyright 1 infringement and related claims against Defendant for allegedly engaging in the 2 unauthorized dissemination of Plaintiff's works through various online platforms and 3 other means. (Id. ¶¶ 1,2.) Plaintiff seeks injunctive relief, statutory damages, actual 4 damages, and attorneys' fees. (Id. ¶ 2.) 5 A few days after filing suit, Defendant contacted Plaintiff via email and 6 requested service be delayed by fourteen days, in an apparent attempt to resolve the 7 dispute. (Mot. Alt. Service (ECF No. 4) at 2 citing DeFrancesco Decl. (ECF No. 4-2) 8 ¶ 1a; Ex. 1.) Plaintiff deferred service accordingly. (Id.) After subsequent email 9 exchanges, Plaintiff sent Defendant an executed Waiver of Service form via email but 10 left the date line blank pending Defendant's return signature. (Id.; DeFrancesco Decl. 11 ¶ 1a.) Defendant did not respond, sign or object. (Mot. Alt. Service at 2.) Plaintiff 12 renewed the waiver

request by email. (Id.) Without any response still, Plaintiff used a process server, who reported that the address provided by Defendant in his DMCA Counter-Notice was invalid. (Id.) At some point, Defendant retained counsel, who directed all communications to his office. (Id. citing DeFrancesco Decl. ¶ 2; Ex. 3.) On October 25, 2025, Plaintiff emailed counsel with the prior waiver request, and asked Defendant's counsel to have it signed and returned. (Mot. Alt. Service at 2.) Plaintiff also informed Defendant's counsel that the address provided by Defendant in the DMCA Counter-Notice was incorrect. (Id.; DeFrancesco Decl. ¶ 2a.) This effort was repeated on October 26th, 27th, and 29th. (Mot. Alt. Service at 2.) Plaintiff contends that Defendant's counsel ignored each attempt. (Id.) On October 30, 2025, Plaintiff attempted personal service against at the address listed on the Counter-Notice, to confirm its inaccuracy. (Id. at 24 3.) Plaintiff has since filed the instant Motion seeking an order (1) authorizing service by email on Defendant pursuant to Federal Rules of Civil Procedure 4(d), 4(e) and California Code of Civil Procedure § 413.30; (2) extending time for service upon a showing of good cause under Federal Rule of Civil Procedure 4(m); and (3) awarding attorneys' fees and costs thereto pursuant to the Court's inherent authority.

3 MOTION FOR ALTERNATIVE SERVICE

4 I. Legal Standard 5 Federal Rule of Civil Procedure 4(e)(1) provides that a plaintiff may serve an individual using any method permitted by the law of the state where the district court is located or where service is made. Fed. R. Civ. P. 4(e)(1). California law permits five basic methods of service: (1) personal delivery; (2) delivery to someone else at the party's usual residence or place of business with mailing (known as "substitute service"); (3) service by mail with acknowledgment of receipt; (4) service on persons outside the state by certified or registered mail with a return receipt requested; and (5) service by publication. Cal. Civ. Proc. Code §§ 415.10, 415.20, 415.30, 415.40, 415.50. 14 II. Discussion 15 Plaintiff argues that the Court should allow for the use of non-traditional means, specifically email, to serve Defendant. Plaintiff points to several attempts to effectuate a waiver of service on Defendant's counsel and attempts at personal service to an "invalid" address provided by Plaintiff. 19 Under California Code of Civil Procedure § 413.30, 20 Where no provision is made in this chapter or other law for the service of summons, the court in which the action is 21 pending may direct that summons be served in a manner 22 which is reasonably calculated to give actual notice to the party to be served and that proof of such service be made 23 as prescribed by the court. 24 25 Although the Court recognizes Plaintiff's frustration with attempts to serve Defendant, 26 the Court finds that section 413.30 is not appropriately invoked at this time. Notably, 27 section 413.30 states that it applies "[w]here no provision is made in this chapter or 28 1 other law for the service of summons."1 "Because California law does have provisions 2 for service in the circumstances [Plaintiff] allegedly faces, and [Plaintiff] has not taken 3 advantage of those other service methods, section 413.30 is not applicable." *Oh My 4 Green, Inc. v. Cuffe*, No. 19-cv-25097-PAP (VCX), 2020 WL 3213715, at *2 (C.D. Cal.

5 Mar. 20, 2020).

6 With that said, the Court also recognizes that Defendant here is alleged to 7 conduct business electronically, relies on his email as his principal channel of 8 communication and has already received actual knowledge of this lawsuit through 9 prior correspondence with Plaintiff and through Defendant counsel's communications. 10 (Mot. Alt. Service at 2, 5; Compl. ¶¶ 10, 14, 18–20.) Several courts have approved 11 forms of electronic service as reasonably calculated to give actual notice to the party 12 to be served. See *Dellone v. Coinbase, Inc.*, No. 1:23-cv-01408-ADA-HBK, 2023 WL 13 8646925, at *2 (E.D. Cal. Dec. 14, 2023) (collecting cases); see also *Rio Properties, Inc. 14 v. Rio Intern. Interlink*, 284 F.3d 1007, 1017–18 (9th Cir. 2002) (discussing Federal Rule 15 of Civil Procedure 4(f) and that the facts of the case demonstrated that that service of 16 process by email was “reasonably calculated to provide. . .notice.”). Further, the 17 California Code of Civil Procedure allows electronic service in certain circumstances, 18 see Cal. Civ. Proc. Code § 1010.6, and the California Supreme Court's has instructed 19 that “[i]f a defendant's address is ascertainable, a method of service superior to 20 publication must be employed, because constitutional principles of due process of 21 law, as well as the authorizing statute, require that service by publication be utilized 22 only as a last resort.” *Watts v. Crawford*, 10 Cal.4th 743, 749 n.5 (1995). 23 //// 24 //// 25 //// 26 27 1 Plaintiff's citation to *Commodity Futures Trading Comm'n v. Ooki DAO*, No. 3:22-cv-05416-WHO, 2022 WL 17822445, at *9–10 (N.D. Cal. Dec. 20, 2022) is not inapposite. There, the court applied section 28 413.30 after determining that other provisions of California law did not apply. 1 Accordingly, Plaintiff is permitted to serve Defendant personally, or through 2 | substitute service consistent with the California Code of Civil Procedure along with 3 | documented service to Defendant via email, and a copy to Defendant's counsel.

4 MOTION FOR EXTENTION OF TIME FOR SERVICE

5 Under Federal Rule of Civil Procedure 4(m), the court must “dismiss the action 6 | without prejudice” against a defendant who is not served within 90 days after the 7 | complaint is filed or order that service be made within a specified time. “But if the 8 | plaintiff shows good cause for the failure, the court must extend the time for service 9 | for an appropriate period.” Fed. R. Civ. P. 4(m). Here, Plaintiff seeks an extension of 10 | time to serve Defendant given Defendant's incorrect physical address and Defendant 11 | counsel's failure to accept or return executed waivers of service or correct any error. 12 | The Court is satisfied that good cause has been established and GRANTS Plaintiff 13 | another 90 days to effectuate service on Defendant.

14 CONCLUSION

15 For the reasons discussed above, IT |S HEREBY ORDERED that: 16 1. Plaintiff serves Defendant via the above-listed methods and provide proof of 17 service with the Court. 18 2. Plaintiff is granted 90 days from the date of this order to effectuate proper 19 service. 20 3. Plaintiff's request for attorneys' fees is denied without prejudice to renewal 21 once Defendant appears in this action. 22 4. The hearing set on this matter for December 11, 2025, at 1:30 p.m. is

23 VACATED. 24 95 IT IS SO ORDERED. 26 | Dated: _December 8, 2025 Donel J bnetto Hon.
Daniel alabretta
27 UNITED STATES DISTRICT JUDGE
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