

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Eritrean Association of Greater Seattle v. Henock Teckle Gebrekidan
et al.

No. 3:24-cv-05517-DGE (W.D. Wash. Jan. 5, 2026) · No. 3:24-cv-05517-DGE · Decided January 5, 2026

SUMMARY

The United States District Court for the Western District of Washington granted Plaintiff’s motion to approve alternative delivery methods for a third-party subpoena. The Court authorized delivery by regular and certified U.S. mail, leaving copies at the nonparty witness’s residence, and emailing copies to the witness and his former attorney after finding that personal-service attempts had been diligent and that the alternative methods were reasonably calculated to provide notice and an opportunity to object.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	David G. Estudillo
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 5, 2026
DOCKET	3:24-cv-05517-DGE
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for approval of alternative methods to deliver a third-party subpoena to nonparty Dawit Gebregiorgis after repeated unsuccessful attempts at personal service. The district court granted the motion.
STANDARD OF REVIEW	The order applies the requirements of Federal Rule of Civil Procedure 45(b)(1), due process, and the court's discretionary authority to permit substitute service; no formal appellate standard of review was stated.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eritrean Association of Greater Seattle v. Henock Teckle Gebrekidan et al.

TOPICS

service of process

discovery dispute

civil procedure

PRACTICE AREAS

civil procedure

discovery

QUESTIONS PRESENTED

1. Whether the court could authorize alternative service of a third-party subpoena under Federal Rule of Civil Procedure 45(b)(1) after diligent but unsuccessful attempts at personal service.
2. Whether service by regular and certified U.S. mail, leaving copies at the witness's residence, and email would be reasonably calculated to provide timely, fair notice and an opportunity to object or move to quash.

HOLDINGS

1. A district court may authorize substitute service of a Rule 45 subpoena when the serving party presents sufficient evidence of diligent attempts at personal service and the alternative method is reasonably calculated to provide timely, fair notice and an opportunity to object or move to quash.
2. Regular and certified U.S. mail, leaving copies at the witness's residence, and email, used together, were reasonably calculated under the circumstances to provide Gebregiorgis with notice and an opportunity to object or move to quash the subpoena.

KEY QUOTATIONS

“many lower courts have interpreted it as requiring personal service.” (at 2)

“All three delivery methods shall be employed together to achieve delivery of the subpoena to Gebregiorgis.”
(at 4)

FACTUAL BACKGROUND

Plaintiff sought testimony and records from nonparty Dawit Gebregiorgis concerning the protest or riot at issue in the underlying case. A process server attempted personal service at Gebregiorgis's Tacoma residence eight times, and a private investigator made several additional attempts. The evidence indicated that Gebregiorgis knowingly evaded service, including by returning to his apartment after being approached by the investigator.

PROCEDURAL HISTORY

Plaintiff attempted to serve Gebregiorgis through his former attorney, at his residence, and through a process server and private investigator. After more than ten unsuccessful personal-service attempts, Plaintiff moved under Federal Rule of Civil Procedure 45 for approval of service by regular and certified mail, leaving copies at the residence, and email. Defendants did not oppose the motion.

DISPOSITION

other

CASES CITED

- Wells Fargo Bank NA v. Wyo Tech Inv. Grp. LLC, No. CV-17-04140-PHX-DWL, 2019 WL 3208114 (D. Ariz. July 16, 2019)
- Fujikura Ltd. v. Finisar Corp., Case No. 15-mc-80110-HRL (JSC), 2015 WL 5782351 (N.D. Cal. Oct. 5, 2015)
- Kleiman v. Wright, Case No. 2:20-cv-00593-BJR, 2020 WL 2107710 (W.D. Wash. Apr. 24, 2020)
- Kantor v. Big Tip Inc., 2:15-cv-01871-RAJ, 2017 WL 2634207 (W.D. Wash. June 19, 2017)
- Tubar v. Clift, Case No. C05-1154-JCC, 2007 WL 214260 (W.D. Wash. Jan. 25, 2007)
- Toni Brattin & Co., Inc. v. Mosaic Int'l, LLC, Case No. 15-mc-80090-MEJ, 2015 WL 1844056 (N.D. Cal. Apr. 9, 2015)
- Chambers v. Whirlpool Corp., Case No. SA CV 11-1733 FMO (JCGx), 2016 WL 9451361 (C.D. Cal. Aug. 12, 2016)
- Wyo Tech, 2019 WL 3208114
- Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)
- Prima Air Grp. LLC v. Prero, Case No. 2:23-cv-09773-FLA-SSC, 2025 WL 1416230 (C.D. Cal. Mar. 12, 2025)