

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Mhmoud v. Cheetah X Inc.

Mhmoud · No. 25-cv-00198-DMR · Decided June 25, 2025

SUMMARY

The United States District Court for the Northern District of California grants Plaintiff Dina Mhmoud’s motion for alternative service on Defendant Alexander Debelov. The court authorizes posting the summons, complaint, and order at Debelov’s residence, sending them by certified mail, and, if applicable, emailing them, finding these methods reasonably calculated to provide actual notice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Donna M. Ryu
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 25, 2025
DOCKET	25-cv-00198-DMR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve Defendant Alexander Debelov by alternative means after multiple unsuccessful attempts at personal service.
STANDARD OF REVIEW	The court evaluated whether the proposed alternative service was reasonably calculated under all the circumstances to provide actual notice and an opportunity to respond.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Dina Adel Mhmoud v. Cheetah X Inc., Alexander Debelov

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should authorize alternative service on Debelov by posting the summons, complaint, and order at his residence and sending them by certified mail.
2. Whether the proposed methods of alternative service were reasonably calculated to provide Debelov with actual notice of the action.

HOLDINGS

1. The court may authorize alternative service under California Code of Civil Procedure section 413.30 when the selected methods are reasonably calculated to provide the defendant with actual notice, and the court authorized such service on Debelov.

KEY QUOTATIONS

“Due process requires that the selected means of alternative service of process be ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” (at 2)

FACTUAL BACKGROUND

Mhmoud sued Cheetah X Inc. and its CEO, Alexander Debelov, over an agreement to purchase a fleet of electric scooters. A process server attempted to serve Debelov at his residence seven times between January 14 and February 24, 2025. On one attempt, a security guard reported that Debelov was in Brazil and had not scheduled a return date; on the other attempts, no one answered the door, although calls to the unit reached voicemail.

PROCEDURAL HISTORY

Mhmoud filed the action on January 7, 2025, alleging securities, contract, fraud, unfair-competition, and conversion claims arising from an agreement to purchase electric scooters. A process server made seven unsuccessful attempts to serve Debelov at his residence. The court resolved the motion without oral argument and granted alternative service limited to Debelov.

DISPOSITION

other

CASES CITED

- Microsoft Corp. v. Buy More, Inc., 703 F. App’x 476, 480 (9th Cir. 2017)
- Rio Props., Inc. v. Rio Int’l Interlink, 284 F.3d 1007, 1016 (9th Cir. 2002)

OPINION

Mhmoud v. Cheetah X Inc.

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 DINA ADEL MHMOUD, Case No. 25-cv-00198-DMR 8 Plaintiff,

ORDER GRANTING MOTION FOR

9 v. ALTERNATIVE SERVICE

10 CHEETAH X INC., et al., Re: Dkt. No. 10 11 Defendants. 12 13 Self-represented Plaintiff Dina Mhmoud moves to serve Defendant Alexander Debelov by 14 the “nail and mail” method. [Docket No. 10, “Mot.”] Pursuant to Civil Local Rule 7-1(b), the court 15 finds this motion appropriate for resolution without oral argument. Having reviewed the record and 16 for the reasons set forth below, the court grants the motion.

17 I. BACKGROUND

18 On January 7, 2025, Mhmoud filed this action against Defendants Cheetah X Inc. 19 (“Cheetah X”) and Debelov, the CEO of Cheetah X, alleging violations of § 10(b) of the Securities 20 Exchange Act and Rule 10b-5; breach of contract; fraud; violations of California’s Unfair 21 Competition Laws, Cal. Bus. & Prof. Code § 17200 et seq.; and conversion. [Docket No. 1, 22 “Compl.”] Mhmoud’s claims arise out of an agreement Mhmoud made with Cheetah X to purchase 23 a fleet of electric scooters. Id. at 1, 2-3. 24 Since filing the Complaint, Mhmoud has attempted to serve Debelov multiple times. A 25 process server attempted to serve Debelov at his residence seven times: on January 14, 2025;

26 January 16, 2025; January 19, 2025; February 17, 2025; February 20, 2025; February 23, 2025; and

27 February 24, 2025. Mot. at 1-2 & Ex. A (Non Service Report). On January 19, 2025, the security

1 Debelov informed the process server that he was “out of the country (Brazil), and ha[d] not yet 2 scheduled a return date.” Id. On all other occasions, there was no answer at the door. Id. at 1-2 & 3 Ex. A. When the security guard attempted to “call[] up to the unit,” they only received a “voice 4 mail greeting.” Ex. A at 1-2.

5 II. LEGAL STANDARD

6 Pursuant to Federal Rule of Civil Procedure 4(e), 7 [A]n individual . . . may be served in a judicial district of the United States by: 8

(1) following state law for serving a summons in an action brought in

9 courts of general jurisdiction in the state where the district court is located or where service is made; or 10

(2) doing any of the following:

11 (A) delivering a copy of the summons and of the complaint to 12 the individual personally; 13

(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion 14 who resides there; or 15 (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process. 16 17 Under California Code of Civil Procedure section 413.30, a "court in which the action is 18 pending may direct that summons be served in a manner which is reasonably calculated to give 19 actual notice to the party to be served and that proof of such service be made as prescribed by the 20 court." "Due process requires that the selected means of alternative service of process be 21 'reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of 22 the action and afford them an opportunity to present their objections.'" Microsoft Corp. v. Buy 23 More, Inc., 703 F. App'x 476, 480 (9th Cir. 2017) (quoting Rio Props., Inc. v. Rio Int'l Interlink, 24 284 F.3d 1007, 1016 (9th Cir. 2002)).

25 III. DISCUSSION

26 Mhmoud seeks an order allowing her to serve Debelov via alternative means, namely, by 27 posting the documents on the front door of his residence. Plaintiff has been diligent in her efforts 1 successful. The record establishes that Debelov lives at the address of attempted service and is 2 aware of at least one service attempt, because he spoke to the process server by phone and said he 3 was in Brazil and had not yet scheduled a return date. Further attempts at personal service would 4 || thus be futile. Accordingly, the court grants the motion as follows: 5 1. Mhmoud shall direct the process server to post a copy of the complaint, summons, 6 and this order on the front door of Debelov's residence. 7 2. Mhmoud shall also direct the process server to send a copy of the complaint, 8 summons, and this order to Debelov's residence via certified mail. 9 3. In addition, if Mhmoud has personally contacted Debelov by email, Mhmoud shall 10 direct the process server to email a copy of the complaint, summons, and this order 11 to Debelov via the most current email address she previously used to communicate 12 with him. 13 Under these circumstances, the court finds that the above methods are reasonably calculated 14 to provide Debelov with actual notice of this action. See Cal. Code Civ. Proc. § 413.30; Microsoft 3 15 Corp., 703 F. App'x at 480.

16 || Iv. CONCLUSION!

3 17 For the reasons stated above, the Court grants the motion for alternative service. Mhmoud 18 shall effect service as outlined above by July 25, 2025 and promptly file a proof of service. 19 20 IT IS SO ORDERED. 21 Dated: June 25, 2025 Lie 22 Donna M. Ryu 23 Chief Magistrate Judge 24 25 26 27 ' Mhmoud's motion does not address whether Cheetah X has been served, and no proof of service 28 as to that Defendant has been filed. As Mhmoud does not move to serve Cheetah X via alternative means, this order is limited to Debelov only.