

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN JOSE DIVISION

Todd Yao v. Coco Altatis, et al.

Yao · No. 25-cv-08745-VKD · Decided December 19, 2025

OPINION

Yao

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION

7 8 TODD YAO, Case No. 25-cv-08745-VKD 9 Plaintiff,

ORDER DENYING PLAINTIFF'S

10 v. MOTION FOR ORDER

AUTHORIZING ALTERNATIVE

11 COCO ALTATIS, et al., SERVICE OF PROCESS BY EMAIL

AND ONLINE PLATFORMS

12 Defendants. WITHOUT PREJUDICE 13 Re: Dkt. No. 6 14 Plaintiff Todd Yao moves for an
order authorizing service on defendants Coco Altatis and 15 Conan Daily by email and/or by
messages to defendants' social media accounts pursuant to Rule 16 4(f)(3) of the Federal Rules of
Civil Procedure. Dkt. No. 6. For the reasons discussed below, the 17 Court denies Dr. Yao's
motion without prejudice. 18

I. BACKGROUND

19 On October 13, 2025, Dr. Yao, an urgent care physician, filed this defamation action 20 against
two named defendants, Coco Altatis and Conan Daily, and a number of unnamed Doe 21
defendants. Dkt. No. 1. Dr. Yao alleges that Mr. Altatis is the publisher of the conandaily.com 22
website, which is owned by the entity Conan Daily. Id. ¶¶ 3-4. 23 According to the complaint, in
2021, two women falsely accused Dr. Yao of misconduct. 24 Id. ¶ 9. Their accusations led to
criminal charges being filed against Dr. Yao, as well as a civil 25 harassment case. Id. ¶ 10. The
criminal case was eventually dismissed, and Dr. Yao alleges that 26 he is factually innocent. Id. ¶¶
10-11. The civil harassment case was also dismissed. Id. ¶ 10. 27 Separately, the Medical Board of
California considered the women's complaints against Dr. Yao 1 and found them not credible;
however, the Medical Board did find that Dr. Yao had been 2 unprofessional and placed him on
probation. Id. ¶ 11. 3 Dr. Yao alleges that in mid-2025, he found an article that had been published
on the 4 conandaily.com website in November 2024 titled, "13 things about Cupertino,

California’s Dr. 5 Todd Yao.” See *id.* ¶ 2; Dkt. No. 1-1. Dr. Yao alleges that several statements in the article are 6 false and defamatory, and the article as whole casts him in a false light, making it appear as if he 7 had been convicted of a crime as a result of the accusations made in 2021, rather than exonerated. 8 *Id.* ¶¶ 12-13. 9 In his motion, Dr. Yao reports that he has been unable to identify the physical addresses of 10 Mr. Altatis and Conan Daily, or a registered agent for service in the United States for Conan 11 Daily. Dkt. No. 6 at 3. Dr. Yao asserts that Mr. Altatis lives in the Philippines. *Id.*; Dkt. No. 1 12 ¶ 3. He asserts that Conan Daily operates entirely online, although it uses servers located in this 13 District. Dkt. No. 1 ¶ 7; Dkt. No. 6 at 3. Dr. Yao says he has attempted, through counsel, to 14 contact defendants by email and via their social media accounts but has received no response. 15 Dkt. No. 6 at 3; Dkt. No. 6-1 ¶¶ 4-6. 16 Dr. Yao now seeks an order authorizing him to serve Mr. Altatis and Conan Daily by email 17 and/or by messages to defendants’ Facebook, Twitter, and Instagram accounts. Dkt. No. 6.

18 II. LEGAL STANDARD

19 Rule 4(h)(2) of the Federal Rules of Civil Procedure authorizes service of process on a 20 foreign business entity in the manner prescribed by Rule 4(f) for individuals. See Fed. R. Civ. P. 21 4(h)(2). Rule 4(f)(3) “permits service in a place not within any judicial district of the United 22 States by means not prohibited by international agreement as may be directed by the court.” *Rio 23 Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1014 (9th Cir. 2002) (quoting Fed. R. Civ. P. 24 4(f)(3)) (citation modified). The rule does not “create a hierarchy of preferred methods of service 25 of process,” and “service of process under Rule 4(f)(3) is neither a last resort nor extraordinary 26 relief.” *Id.* at 1014-15 (citation modified). Rule 4(f)(3) requires only that service be (1) directed 27 by the court and (2) not prohibited by international agreement. *Id.* at 1014. So long as service is

1 Rule 4(f)(3) may be accomplished in contravention of the laws of the foreign country.” *Id.* Any 2 alternate means of service must comport with due process, and thus “must be reasonably 3 calculated, under all the circumstances, to apprise interested parties of the pendency of the action 4 and afford them an opportunity to present their objections.” *Id.* at 1016 (citation modified). The 5 determination whether the circumstances in a particular case require alternate service of process 6 under Rule 4(f)(3) is a matter within the court’s discretion. *Id.*

7 III. DISCUSSION

8 The Court considers whether the facts and circumstances presented here warrant an order 9 authorizing alternative service by email and/or by messages to defendants’ social media 10 accounts—specifically, whether the proposed methods of alternative service (1) are not prohibited 11 by international agreement and (2) are “reasonably calculated” to apprise defendants of the 12 pendency of this action. 13 A. International Agreement 14 Where the Hague Convention on the Service Abroad of Judicial and Extrajudicial 15 Documents (“Hague Service Convention”) applies, compliance with its provisions is 16 mandatory. *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 U.S. 694, 705 (1988). Article 3 17 of the Hague Service Convention provides for

service of process through the destination country's 18 Central Authority, and Article 10 provides that if the destination country does not object, service 19 may be accomplished through several alternate means. Hague Service Convention, art. 3, 10, 20 Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. 6638.

21 Article 10 states:

22 Provided the State of destination does not object, the present Convention shall not interfere with – 23 24 a) the freedom to send judicial documents, by postal channels, directly to persons abroad, 25 b) the freedom of judicial officers, officials or other competent 26 persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials[,] or 27 other competent persons of the State of destination, effect service of judicial documents directly through the judicial 1 officers, officials[,] or other competent persons of the State of 2 destination. 3 Id., art. 10. 4 The United States and the Philippines, where defendants allegedly reside or are located, are 5 signatories to the Hague Service Convention. See Status Table 14, Convention of 15 November 6 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial 7 Matters, Hague Conference on Private International Law, [https://www.hcch.net/en/instruments/ 8 conventions/status-table/?cid=17](https://www.hcch.net/en/instruments/conventions/status-table/?cid=17). The Philippines has objected to Article 10 of the Hague Service 9 Convention, stating: “The Philippines objects to the transmission channels under paragraphs a and 10 c as provided for in Article 10 of the Convention.” Declarations/Reservation/Notification, Hague 11 Conference on Private International Law, [https://www.hcch.net/en/instruments/conventions/status- 12 table/notifications/?csid=1435&disp=resdn](https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1435&disp=resdn). 13 There is a split among federal district courts on the question of whether a country's 14 objection to Article 10(a), which provides for service by “send[ing] judicial documents, by postal 15 channels, directly to persons abroad,” should be construed as an objection to email service. Some 16 district courts have held that because the Philippines has not expressly objected to service by 17 email, email service in the Philippines is permissible. See, e.g., *CarMax Enter. Servs., LLC v. 18 Precision Glob. Med. Distributors, LLC*, No. 22-cv-463, 2023 WL 6797493, at *4 (E.D. Va. Oct. 19 13, 2023); *Vaswani, Inc. v. Manjunathamurthy*, No. 20-cv-20288-KSH-CLW, 2021 WL 1541071, 20 at *4 (D.N.J. Apr. 19, 2021). Other district courts have held that the Philippines's objection to 21 “send[ing] judicial documents, by postal channels, directly to persons abroad” encompasses 22 service by email, such that email service on a party in the Philippines is prohibited. See, e.g., 23 *Media Trademark & Licensing Ltd. v. COINGEEKLTD.COM*, No. 21-cv-00214-PHX-DWL, 2021 24 WL 2895289, at *5 (D. Ariz. July 9, 2021); *Panamerica Trade, Inc. v. Boys*, No. 3:25-cv-473- 25 MMH-SJH, 2025 WL 1580817, at *2 (M.D. Fla. June 4, 2025). 26 Dr. Yao's motion does not address the Philippines's objection to Article 10 and includes 27 no showing that the proposed methods of alternative service are “not prohibited by international 1 attempt service under the Hague Service Convention before moving for an order authorizing 2 alternative service. See Dkt. No. 6 at 5 (quoting *Rio Props.*, 284 F.3d at 1016). However, in *Rio 3 Properties*, the Ninth Circuit addressed

a circumstance in which the Hague Service Convention 4 did not apply because the country at issue, Costa Rica, was not a signatory. See *Rio Props.*, 284 F.3d at 1015 n.4. Had the country in which service was contemplated been a signatory, service in 6 contravention of the Hague Service Convention would not be permitted by Rule 4(f)(3). *Id.*; see 7 also *Facebook, Inc. v. 9 Xiu Network (Shenzhen) Tech. Co.*, 480 F. Supp. 3d 977, 984-85 (N.D.

8 Cal. 2020) (“Rio interpreted Rule 4(f), not the Hague Service Convention; and when the 9 Convention applies, it must be considered.”). Accordingly, nothing in *Rio Properties* suggests 10 that a Court may authorize service under Rule 4(f)(3) where a signatory to the Hague Service 11 Convention has objected to the proposed method of service, a point Dr. Yao has not addressed. 12 In addition, Dr. Yao argues that service under the Hague Service Convention would be 13 “impracticable where defendants are unregistered foreign operators with no known address.” Dkt. 14 No. 6 at 5. However, the complaint alleges that the content Conan Daily posts on the 15 conandaily.com website is hosted on servers owned by Automattic located in San Francisco, 16 California. Dkt. No. 1 ¶ 7; Dkt. No. 6 at 3. Dr. Yao does indicate whether he has sought 17 defendants’ contact information from Automattic, the U.S. company he alleges owns the servers 18 that host the conandaily.com website. Thus, it is not clear that, as Dr. Yao contends, neither 19 defendant has a known address. 20 The Court finds that Dr. Yao has not established that the proposed methods of alternative 21 service are not prohibited by international agreement, or that defendants have no known address. 22 B. Due Process 23 In any event, Dr. Yao has not demonstrated that service by email and/or by messages to 24 defendants’ social media accounts is reasonably calculated to apprise defendants of the pendency 25 of this action. First, Dr. Yao claims that the email address listed on Conan Daily’s website “is the 26 most direct and reliable communication method online.” Dkt. No. 6 at 5. However, plaintiff’s 27 counsel attests that he sent an email to that email address in October 2025, and received no 1 contain any other information suggesting that either defendant may be contacted reliably by means 2 of this email address. 3 Second, Dr. Yao argues that service by message to Conan Daily’s social media accounts 4 on Facebook, Twitter, and Instagram is reasonably calculated to provide actual notice of this 5 lawsuit because “[d]efendants operate exclusively online and invite communication through digital 6 channels.” Dkt. No. 6 at 3. Plaintiff’s counsel attests that “[d]efendant would be likely to receive 7 notice through social media because [d]efendant Coco Altatis has been active on Facebook 8 recently, the latest post being from November 5, 2025.” Dkt. No. 6-1 ¶ 10. The declaration 9 includes a screenshot of Mr. Altatis’s Facebook page, showing a post dated November 5, 2025. 10 *Id.*, Ex. A. It is unclear from the motion and supporting declaration whether Mr. Altatis and 11 Conan Daily share social media accounts. In addition, Dr. Yao does not discuss how contacting 12 defendants through the other social media platforms, Twitter and Instagram, is reasonably 13 calculated to provide actual notice. 14 In these circumstances, and particularly when it is unclear whether defendants could be 15 served by conventional means, the Court has insufficient information from which to conclude that 16 the proposed alternative methods of

service, even if permissible, are reasonably calculated to provide actual notice of this action. See, e.g., *Amazon.com, Inc. v. Tian*, No. 21-cv-00159-TL, 2022 WL 486267, at *3 (W.D. Wash. Feb. 17, 2022) (concluding plaintiff failed to demonstrate alternative service was required where it had obtained physical addresses for defendants in China and had not shown email was more reliable means of providing notice); *Viral DRM LLC v. Margarita*, No. 24-cv-00747-JSC, 2024 WL 2112897 at *2-3 (N.D. Cal. Apr. 11, 2024) (denying motion to serve by email where plaintiff had not provided sufficient “evidence demonstrating service by email is likely to reach [d]efendant,” including evidence that the email address is legitimate).

IV. CONCLUSION

For these reasons, the Court denies Dr. Yao’s motion for an order authorizing alternative service without prejudice. IT IS SO ORDERED. Dated: December 19, 2025 Virginia K. DeMarchi United States Magistrate Judge