

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Flickinger v. Castillo

No. 24-cv-02915-SVK (N.D. Cal. June 30, 2025) · No. 24-cv-02915-SVK · Decided June 30, 2025

SUMMARY

The United States District Court for the Northern District of California grants in part and denies in part Plaintiff Jason Archie Flickinger’s second ex parte application for alternative service. The order addresses service of Mexican defendants by email, WhatsApp, and Facebook under Federal Rule of Civil Procedure 4(f)(3), including requests for group service and individually directed electronic service. The court concludes that the proposed electronic methods are not prohibited by international agreement but evaluates whether each method is reasonably calculated to provide notice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan van Keulen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 30, 2025
DOCKET	24-cv-02915-SVK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte authorization under Federal Rule of Civil Procedure 4(f)(3) to serve certain defendants in Mexico by email, WhatsApp, Facebook Messenger, and related group-service methods.
STANDARD OF REVIEW	Alternative service under Federal Rule of Civil Procedure 4(f)(3) is committed to the sound discretion of the district court. The proposed method must be directed by the court, not prohibited by international agreement, and reasonably calculated under the circumstances to apprise the defendant of the action and provide an opportunity to object.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jason Archie Flickinger v. Jaqueline Reyes Castillo, et al.

TOPICS

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether service by email, WhatsApp, Facebook wall post, or Facebook Messenger on defendants located in Mexico is prohibited by the Hague Service Convention or another international agreement.
2. Whether Plaintiff demonstrated that the proposed individual and group electronic-service methods were reasonably calculated to apprise particular defendants of the action and afford them an opportunity to present objections.
3. Whether the court should authorize or deny alternative service for each defendant based on the evidence connecting the proposed communication method or intermediary to that defendant.
4. What conditions and deadlines should govern any authorized electronic service.

HOLDINGS

1. Service by email, WhatsApp, and Facebook, including Facebook Messenger, is not prohibited by an international agreement with Mexico, including the Hague Service Convention.
2. A proposed alternative method of service under Rule 4(f)(3) must be reasonably calculated, under all the circumstances, to apprise interested parties of the action and afford them an opportunity to present objections.
3. Group service may be authorized under Rule 4(f)(3) when the evidence shows that service through a related individual or group account is reasonably calculated to notify the defendant, but group service is not authorized merely because defendants formerly worked together or had an attenuated professional relationship.
4. Authorized email service must use Registered Email, and WhatsApp or Facebook Messenger service must be sent by an adult third party who, based on Plaintiff's best information, has not been blocked by the recipient; the summons and specified plain-text identifying information must accompany the communication.

KEY QUOTATIONS

“Even if facially permitted by Rule 4(f)(3), a method of service of process must also comport with constitutional notions of due process.” (at 7)

“The decision whether to allow alternative methods of serving process under Rule 4(f)(3) is committed to the ‘sound discretion of the district court.’” (at 7)

“Accordingly, the Court finds that Plaintiff’s proposed methods of service—email, WhatsApp and Facebook—are not prohibited by international agreement with Mexico.” (at 8)

“the inquiry for this Court remains the same: Whether such methods are “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 10)

FACTUAL BACKGROUND

Plaintiff sued numerous defendants arising from events involving Mexican individuals and governmental entities. Several defendants had not appeared, and Plaintiff experienced difficulty locating or serving many of the Mexican individual defendants through conventional means. Plaintiff submitted screenshots, photographs, declarations, and evidence of relationships, employment, email accounts, WhatsApp numbers, and Facebook accounts to support proposed electronic and group-service methods.

PROCEDURAL HISTORY

Flickinger commenced the action on May 14, 2024, and later filed an amended complaint naming 37 defendants. The court had previously granted in part and denied in part an application for alternative service, permitting certain email service while denying other proposed methods without prejudice. After additional service attempts and evidentiary submissions, Plaintiff filed a second ex parte application; the court granted it in part and denied it in part, authorized specified individual and group electronic-service attempts, denied or deferred other requests, and set service deadlines.

DISPOSITION

other

CASES CITED

- Rio Props., Inc. v. Rio Int’l Interlink, 284 F.3d 1007, 1014, 1016 (9th Cir. 2002)
- Brockmeyer v. May, 383 F.3d 798, 805 (9th Cir. 2004)
- Seiko Epson Corp. v. [case name incomplete in source], Cal. Nov. 3, 2022
- Juicero, Inc. v. Itaste Co., No. 17-cv-01921-BLF, 2017 WL 3996196, at *3 (N.D. Cal. June 5, 2017)
- Browne v. Donalds, No. 21-cv-02840-AB (AFM), 2023 WL 4626697, at *2 (C.D. Cal. Apr. 13, 2023)
- Monolithic Power Sys., Inc. v. Silergy Corp., 127 F. Supp. 3d 1071, 1078 (N.D. Cal. 2015)
- Int’l Metaphysical Ministry, Inc. v. Schaefer, No. 18-cv-4524 SBA, 2018 WL 10560778, at *4 (N.D. Cal. Nov. 21, 2018)