

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

York Town I LLC v. Tarek El Sherif, Martin Schrimpff, Michael Packer, Juan Manuel Ordonez, Nelson Ortiz, and John Does 1–5

York Town I LLC · No. 3:26-CV-00419 (KAD) · Decided April 29, 2026

SUMMARY

The court denied without prejudice York Town I LLC’s motion for alternative service on foreign defendants under Federal Rule of Civil Procedure 4(f)(3). It held that email service was generally preempted by the Hague Service Convention where the defendants’ addresses were known, and that Plaintiff had not shown sufficient efforts to effect service through Colombia’s Central Authority or otherwise investigate the defendants’ locations. The court nevertheless sua sponte authorized provisional email service of the preliminary-injunction materials under Article 15 of the Hague Convention and required proof of service by May 4, 2026.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Kari A. Dooley
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	April 29, 2026
DOCKET	3:26-CV-00419 (KAD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 4(f)(3) for court-ordered alternative service of process on foreign defendants by email and mail. The court denied the requested alternative service without prejudice but sua sponte authorized email service of the preliminary-injunction materials as provisional or protective measures under Article 15 of the Hague Service Convention.
STANDARD OF REVIEW	The court applied the requirements of Federal Rule of Civil Procedure 4(f)(3), including whether the proposed means of service was directed by the court, not prohibited by international agreement, supported by reasonable efforts to effect service and circumstances warranting court intervention, and reasonably calculated to provide notice consistent with due process.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

service of process injunctions foreign affairs civil procedure commercial litigation

PRACTICE AREAS

civil procedure international service of process commercial litigation injunctions

QUESTIONS PRESENTED

1. Whether Rule 4(f)(3) permitted service of the complaint and other formal litigation documents on foreign defendants by email or mail.
2. Whether the Hague Service Convention prohibited email or mail service on the foreign defendants.
3. Whether plaintiff had made reasonably diligent efforts to effect formal service and demonstrated circumstances warranting alternative service under Rule 4(f)(3).
4. Whether Article 15 of the Hague Service Convention authorized provisional email service of documents relating to the pending preliminary-injunction proceedings.
5. Whether the proposed email addresses were reasonably calculated to provide notice consistent with Rule 4(f), Rule 65, and due process.

HOLDINGS

1. Rule 4(f)(3) permits court-ordered service by means not prohibited by international agreement, but courts in the Second Circuit generally require a plaintiff to show reasonable attempts to effect service and circumstances warranting court intervention, in addition to compliance with due process.
2. Where the Hague Service Convention applies, email service is an inconsistent method preempted by the Convention and is prohibited unless an applicable Convention provision authorizes it.
3. Although mail service through postal channels was not prohibited by the Hague Convention because Colombia had not objected to Article 10(a), plaintiff was not entitled to court-ordered mail service because it had not shown that it reasonably attempted formal service through Colombia's Central Authority.
4. The requested formal service on Schrimpff was not authorized because plaintiff had not established his location, had not adequately investigated or attempted service at the identified United States address, and, if he resided in Mexico or Spain, email service would be prohibited under the Hague Convention; mail service would be permitted in Spain but prohibited in Mexico under the countries' Convention objections.
5. Article 15 of the Hague Convention authorized the court to permit provisional email service of the complaint, summonses, preliminary-injunction motion, and supporting documents as notice of provisional or protective measures in a case of urgency.
6. The proposed email addresses were reasonably calculated to reach the foreign defendants and therefore satisfied the notice requirements applicable to the provisional email service authorized by the court.

KEY QUOTATIONS

“The only limitations on Rule 4(f)(3) are that the means of service must be directed by the court and must not be prohibited by international agreement.”

“This is fatal to Plaintiff’s motion.”

“Neither Colombia nor Spain have objected to Article 15 of the Hague Convention.”

“Further, Plaintiff has demonstrated that the email addresses it provided for the Foreign Defendants are ‘reasonably calculated to give notice,’ as required by Rule 4(f), Rule 65, and the Due Process Clause.”

FACTUAL BACKGROUND

Plaintiff sought to serve Martin Schrimppff, believed to be located in Mexico, Spain, or Florida, and Nelson Ortiz and Tarek El Sherif, believed to be located in Colombia. Plaintiff had emailed the complaint, summonses, and preliminary-injunction papers to known email addresses, but did not show that it had initiated formal service through the relevant countries' Central Authorities or adequately investigated the defendants' physical addresses. The email addresses had previously been used to communicate with the defendants, and some had been used for judicial notice in related foreign proceedings.

PROCEDURAL HISTORY

York Town filed the complaint on March 19, 2026. After denying an emergency motion for a temporary restraining order, the court scheduled a preliminary-injunction hearing and directed plaintiff to serve the defendants. Plaintiff then moved for court-ordered service on foreign defendants. The court denied the motion without prejudice because plaintiff had not adequately attempted formal service through the Hague Convention or established the defendants' addresses, but authorized provisional email notice of the preliminary-injunction materials and required proof of service by May 4, 2026.

DISPOSITION

other

CASES CITED

- Cleer LLC v. Stranger, No. 3:24-CV-1496 (MPS), 2024 WL 4872157, at *2 (D. Conn. Nov. 22, 2024)
- Shanghai Zhenglang Tech. Co. v. Mengku Tech. Co., No. 20-CV-5209 (JS), 2020 WL 13280555, at *1–2 (E.D.N.Y. Nov. 18, 2020)
- Halvorssen v. Simpson, 328 F.R.D. 30, 34–35 (E.D.N.Y. 2018)
- Noble Sec., Inc. v. Ingamar Co., No. 21-CV-1372 (MKB), 2021 WL 2012508, at *6 (E.D.N.Y. May 20, 2021)
- Water Splash, Inc. v. Menon, 581 U.S. 271, 273, 275, 284 (2017)
- Smart Study Co. v. Shenzhenshixindajixieyouxiangongsi, 164 F.4th 164, 167, 171 (2d Cir. 2025)
- Foxmind Can. Enters. Ltd. v. Aproat, No. 25-CV-5837 (JSR), 2026 WL 412645, at *1–2 & n.3 (S.D.N.Y. Feb. 13, 2026)
- Fox Corp. v. Media Deportes Mex., S. de R.L. de C.V., No. 25-CV-6703 (JSR), 2026 WL 438878, at *4–7, *11 (S.D.N.Y. Feb. 17, 2026)

- Kelly Toys Holdings, LLC v. Top Dep't Store, No. 22-CV-558 (PAE), 2022 WL 3701216, at *6 (S.D.N.Y. Aug. 26, 2022)
- Sulzer Mixpac AG v. Medenstar Indus. Co., 312 F.R.D. 329, 332 (S.D.N.Y. 2015)
- Quantum Mango, LLC v. Individuals, Corps., Ltd. Liab. Cos., P'ships, & Unincorporated Assocs. Identified on Schedule A, No. 25-CV-7732 (JHR), 2025 WL 3215649, at *2 (S.D.N.Y. Nov. 18, 2025)
- Overnight Blowout LLC v. Shenzhen Kairuijia E-Com. Co., No. 25-CV-6086 (LJL), 2025 WL 2381588, at *3 (S.D.N.Y. Aug. 13, 2025)
- RHG & Co. v. Madison Ave Health Inc., No. 3:19-CV-990 (JBA), 2019 WL 13215662, at *2 (D. Conn. Aug. 20, 2019)
- Grp. One Ltd. v. GTE GmbH, 523 F. Supp. 3d 323, 345 (E.D.N.Y. 2021)
- Mullane v. Cent. Hanover Bank & Tr. Co., 339 U.S. 306, 314 (1950)

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