

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Boustead Securities, LLC v. U-BX Beijing Technology Co., Ltd.

Boustead Securities · No. SACV 24-01379-SPG-SK · Decided February 21, 2025

SUMMARY

The United States District Court for the Central District of California denied as moot Plaintiff Boustead Securities, LLC’s request to extend the time for service abroad under the Hague Convention. The Court ordered Plaintiff to file a status report within 30 calendar days regarding its efforts to serve the foreign defendant, or alternatively file a notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The Court stated that failure to respond would be deemed consent to dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sherilyn Peace Garnett
JURISDICTION	United States District Court for the Central District of California
DECIDED	February 21, 2025
DOCKET	SACV 24-01379-SPG-SK
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause concerning the plaintiff's failure to prosecute and considered the plaintiff's request for additional time to effect service abroad under the Hague Convention.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Boustead Securities, LLC v. U-BX Beijing Technology Co., Ltd.

TOPICS

- service of process
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- international service of process

QUESTIONS PRESENTED

1. Whether Federal Rule of Civil Procedure 4(m)'s service deadline applies to service on a foreign defendant under Rules 4(h)(2) and 4(f)(1).
2. Whether the court may impose a reasonable deadline for service in a foreign country despite Rule 4(m)'s inapplicability.
3. Whether plaintiff's request for an extension of the Rule 4(m) service period should be granted and what case-management directive should issue.

HOLDINGS

1. The time limit in Federal Rule of Civil Procedure 4(m) does not apply to service in a foreign country under Rules 4(h)(2) and 4(f)(1).
2. Although Rule 4(m) does not impose a deadline for foreign service, the court may set a reasonable time limit for service in a foreign country to manage the civil case.
3. The court denied plaintiff's request as moot, did not impose a service deadline at that time, and ordered plaintiff to file a status report within thirty calendar days of the order to show cause or file a notice of dismissal under Rule 41(a)(1)(A)(i).

KEY QUOTATIONS

“the amount of time allowed for foreign service is not unlimited.”

“While the Court will not set a time limit at this time for service of Defendant, the Court ORDERS Plaintiff to file a status report within thirty (80) calendar days of this Order to Show Cause regarding its efforts to effectuate service on Defendant.”

FACTUAL BACKGROUND

Boustead Securities filed an action against U-BX Beijing Technology Co., Ltd., a foreign corporation formed under the laws of the People's Republic of China and incorporated in the Cayman Islands. Plaintiff sought to serve defendant under the Hague Convention. The court had concerns about the lack of prosecution and the delay in effectuating service.

PROCEDURAL HISTORY

Plaintiff filed the action on June 21, 2024. After the court issued an order to show cause on September 4, 2024, plaintiff responded by requesting additional time to serve the foreign defendant. The court denied that request as moot, declined to set a service deadline at that time, and ordered plaintiff to file a status report or alternatively a notice of dismissal.

DISPOSITION

other

CASES CITED

- Lucas v. Natoli, 936 F.2d 432, 432-33 (9th Cir. 1991)
- Baja Devs. LLC v. TSD Loreto Partners, 2009 WL 2762050, at *1 (D. Ariz. Aug. 28, 2009)
- Sport Lisboa e Benfica - Futebol SAD v. Doe 7, 2018 WL 4043182, at *4 (C.D. Cal. Aug. 21, 2018)

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