

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Maxwell Olson v. News Nation Network Pvt. Ltd.

Olson · No. 25-cv-01544-SI · Decided July 8, 2025

SUMMARY

The United States District Court for the Northern District of California denied without prejudice plaintiff Maxwell Olson’s ex parte application to authorize service of process by email on an Indian defendant under Federal Rule of Civil Procedure 4(f)(3). The court held that the application was premature because Olson had not attempted service through India’s Central Authority under the Hague Convention or developed a factual record showing that such service would be futile. The court continued the initial case management conference to September 19, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan Illston
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 8, 2025
DOCKET	25-cv-01544-SI
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte authorization to serve a foreign defendant by email under Federal Rule of Civil Procedure 4(f)(3).
STANDARD OF REVIEW	The court evaluated whether the circumstances and factual showing justified discretionary authorization of an alternative method of service under Federal Rule of Civil Procedure 4(f)(3).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Maxwell Olson v. News Nation Network Pvt. Ltd.

TOPICS

- service of process
- copyright infringement
- copyright law
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should authorize service of process on an Indian defendant by email under Federal Rule of Civil Procedure 4(f)(3) before the plaintiff attempted service through India's Central Authority under the Hague Convention.
2. Whether the plaintiff made a sufficient factual showing that the particularities and necessities of the case justified alternative service.

HOLDINGS

1. The application for alternative service was premature and did not establish circumstances justifying email service because the plaintiff had not attempted service through India's Central Authority or developed a factual record demonstrating difficulties with Hague Convention service.

KEY QUOTATIONS

“Rule 4(f)(3) is an equal means of effecting service of process . . . when the particularities and necessities of a given case require alternate service of process under Rule 4(f)(3).” (at 2)

“The Court concludes that Olson’s application is premature and that he has not made an adequate showing to justify alternative service at this time.” (at 4)

FACTUAL BACKGROUND

Olson alleged that News Nation, an Indian private limited company, misappropriated, distributed, and published his copyrighted videos depicting extreme weather events. He requested permission to serve the summons, first amended complaint, and waiver-of-service form at two email addresses associated with News Nation, but counsel received no response. Olson had not attempted service through India's Central Authority under the Hague Convention and had not developed a factual record showing that conventional service would be futile or impracticable.

PROCEDURAL HISTORY

Olson filed a copyright infringement action against News Nation Network Pvt. Ltd. and Doe defendants. He then applied ex parte for authorization to serve News Nation by email, asserting that email service was appropriate because of difficulties associated with service in India. The court denied the application without prejudice and continued the initial case management conference.

DISPOSITION

other

CASES CITED

- *Rio Properties, Inc. v. Rio International Interlink*, 284 F.3d 1007, 1016 (9th Cir. 2002)

- Richmond Technologies, Inc. v. Aumtech Business Solutions, No. 11-CV-02460-LHK, 2011 WL 2607158, at *11 (N.D. Cal. July 1, 2011)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
MAXWELL OLSON, Case No. 25-cv-01544-SI 8 Plaintiff, ORDER DENYING EX PARTE
APPLICATION FOR ORDER 9 v. AUTHORIZING ALTERNATIVE MEANS OF SERVICE
AND 10 NEWS NATION NETWORK PVT. LTD., CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE TO 11 Defendant. SEPTEMBER 19, 2025 AT 2:30 PM 12 Re:
Dkt.

No. 14 13 14 Now before the Court is plaintiff's ex parte application for an order authorizing
alternative 15 means of service. For the reasons set forth below, the application is DENIED
without prejudice. 16 The Court continues the initial case management conference scheduled for
July 18, 2025 to 17 September 19, 2025 at 2:30 p.m. via zoom. 18 19 BACKGROUND 20
Plaintiff Maxwell Olson filed this copyright infringement lawsuit against Defendant News 21
Nation Network Pvt.

Ltd. ("News Nation") and ten Doe defendants. Olsen is a "professional and 22 intrepid
videographer who travels the globe to document weather extremes" and he claims that News 23
Network has misappropriated, distributed and published his copyrighted videos depicting extreme
24 weather events.

First Amend. Compl. ("FAC") ¶¶ 10-12. The first amended complaint alleges that 25 News Nation
"is a private limited company organized and existing under the laws of India[.]" Id. 26 ¶ 5. 27 On
May 15, 2025, Olson filed an Ex Parte Application requesting an order authorizing 1 Summons,
First Amended Complaint, and Waiver of Service form to two email addresses associated 2 with
News Nation, and that counsel did not receive a response.

Doniger Decl., Ex. 2. 1 3 4 LEGAL STANDARD 5 The Federal Rules of Civil Procedure allow
service to a party not within any United States 6 judicial district by various means, including "by
any internationally agreed means of service that is 7 reasonably calculated to give notice, such as
those authorized by the Hague Convention on the 8 Service Abroad of Judicial and Extrajudicial
Documents[.]" Fed.

R. Civ. P. 4(f)(1). The Rules also 9 state that service may occur "by other means not prohibited by
international agreement, as the court 10 orders." Fed. R. Civ. P. 4(f)(3). "Rule 4(f)(3) is an equal
means of effecting service of process... 11 when the particularities and necessities of a given case
require alternate service of process under 12 Rule 4(f)(3)." Rio Properties, Inc. v. Rio Intern.

Interlink, 284 F.3d 1007, 1016 (9th Cir. 2002). 13 14 DISCUSSION 15 Olson states that India is a
signatory to the Hague Convention, which requires service 16 through India's designated Central

Authority. Ex Parte Application 3-4. See *Richmond Techs., Inc. 17 v. Aumtech Bus. Sols.*, No. 11-CV-02460-LHK, 2011 WL 2607158, at *11 (N.D. Cal. July 1, 2011) 18 (“The Hague Convention requires signatory countries to establish a Central Authority to receive 19 requests for service of documents from other countries and to serve those documents by methods 20 compatible with the internal laws of the receiving state.”).

Olson asserts that he should be permitted 21 to serve News Nation by email based upon a recent New York Times Article regarding India’s 22 1 Plaintiff’s counsel have filed a number of similar copyright infringement cases on behalf 23 of various individuals against News Nation in the Northern District of California, and counsel has filed nearly identical applications for alternative service in each case.

See *Hall v. News Nation 24 Network Pvt. Ltd.*, Case No. 25-cv-01537-WHO, Dkt. No. 16; *Clement v. News Nation Network Pvt. Ltd.*, Case No. 25-cv-01540-WHO, Dkt. No. 12; *Timmer v. News Nation Network Pvt. Ltd.*, Case 25 No. 25-cv-01547-SI, Dkt. No. 14; *Shelton v. News Nation Network Pvt. Ltd.*, Case No. 25-cv-01546- AMO, Dkt. No. 14; *Gorman v. News Nation Network Pvt.*

Ltd., Case No. 25-cv-01542-JSW, Dkt. 26 No. 16; *Rigsby v. News Nation Network Pvt. Ltd.*, Case No. 25-cv-01545-HSG, Dkt. No. 13; *Whittaker v. News Nation Network Pvt. Ltd.*, Case No. 25-cv-01548-HSG, Dkt. No. 11; *Farrell v. 27 News Nation Network Pvt. Ltd.*, Case No. 25-cv-01541-PCP, Dkt. No. 19; *Schyma v. News Nation 1 || judicial backlog.* Olson also asserts that he is “not required to attempt service by other means 2 || authorized by Rule 4 before submitting this application with the court.” Ex Parte Application at 3.

3 The Court concludes that Olson’s application is premature and that he has not made an 4 adequate showing to justify alternative service at this time. Olson has not attempted to serve News 5 || Nation through India’s Central Authority, and thus he has not developed any factual record 6 || demonstrating difficulties proceeding with service through the Central Authority.

Cf *Rio 7 Properties, Inc.*, 284 F.3d at 1013-16 (approving alternative service based upon showing of 8 numerous efforts to serve foreign defendant). Thus, the “particularities and necessities” of this case 9 do not presently justify an alternate means of service. *Id.* at 1016. 10 11 CONCLUSION 12 For the foregoing reasons, Olson’s application is denied without prejudice to renewal at a 5 13 later date based upon a sufficient factual showing of futile attempts to serve News Nation through 14 || the Hague Convention.

The Court continues the initial case management conference scheduled for 3 15 July 18, 2025 to September 19, 2025 at 2:30 p.m. via zoom. 16 = 17 IT IS SO ORDERED. 18 19 Dated: July 7, 2025 Site WU tee 20 SUSAN ILLSTON United States District Judge 22 23 24 25 26 27 28

