

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.

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