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6 **IN THE UNITED STATES DISTRICT COURT**

7 **DISTRICT OF ARIZONA**

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9 JAMES THOMAS and AVALEE  
10 THOMAS, husband and wife, HOWARD  
11 JENKS and DIANE JENKS, husband and  
12 wife,

13  
14 **Plaintiffs,**

15 vs.

16 PNS Stores, Inc., dba Big Lots, a California  
17 corporation, SUNBAY COMPANY  
18 LIMITED, a Chinese Business Entity,  
19 HANGZHOU VOLLY GARDEN  
20 FURNITURE CO., LTD., a Chinese  
21 Business Entity, JOHN DOE 1-5, JANE  
22 DOE 1-5, ABC Corporations 1-5, DEF  
23 Limited Liability Companies 1-5, GHI  
24 Partnerships 1-5, Unknown Heirs, Devisees  
25 and Legatees of any of the above if  
26 deceased,

27 **Defendants.**

Case No. CV 12-00276-PHX-DKD

**ORDER PERMITTING  
ALTERNATIVE SERVICE UPON  
DEFENDANT HANGZHOU VOLLY  
GARDEN FURNITURE CO., LTD.**

**-- and--**

**PERMITTING DISCOVERY IN  
ADVANCE OF THE CASE  
MANAGEMENT CONFERENCE AND  
CASE MANAGEMENT ORDER**

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1 the attestation that the address furnished by the Chinese Central Authority for the  
2 Chinese Defendant does not match the physical address the process server has identified  
3 as being the business location of this Defendant. Thus it appears that the exception to  
4 the Hague Convention set forth in Article 1 may apply: “This convention shall not apply  
5 where the address of the person to be served with the document is not known.”  
6 Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial  
7 Documents in Civil or Commercial Matters, Hague Conference on Private International  
8 Law ([http://www.hcch.net/index\\_en.php?act=conventions.text&cid=17](http://www.hcch.net/index_en.php?act=conventions.text&cid=17)). In such  
9 circumstances a court may authorize alternative service pursuant to Rule 4(f)(2)-(3) of  
10 the Federal Rules of Civil Procedure. *Rio Properties, Inc. v. Rio International Interlink*,  
11 284 F.3d 1007 (9<sup>th</sup> Cir. 2002); *Chanel, Inc. v. Song Xu*, 2010 WL 396357 (W.D. Tenn.  
12 2010). Plaintiffs’ request also comports with due process because the Plaintiffs’  
13 submission includes evidence that the Chinese Defendant conducts business via the  
14 internet and that this entity has responded to Plaintiffs’ email inquiries. *MacLean-Fogg*  
15 *Co. v. Ningbo Fastlink Equipment Co., Ltd.*, 2008 WL 5100414 (N.D. Ill. 2008).  
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20 Accordingly, pursuant to Plaintiffs’ Motion for Alternative Service of Process to  
21 serve Defendant Hangzhou Volly Garden Furniture Co., Ltd., and good cause shown:  
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23 **IT IS HEREBY ORDERED** that Plaintiffs are granted permission to serve  
24 Defendant Hangzhou Volly Garden Furniture Co., Ltd., by electronic mailing.  
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