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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SACV 13-1743-DOC (ANx)

Date: June 5, 2014

Title: TATUNG COMPANY, LTD. V. SHU TZE HSU, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER GRANTING MOTIONS
FOR AUTHORIZATION OF
SERVICE OF PROCESS [103] [104]
[105] [106]**

Before the Court are Plaintiff Tatung Company, Ltd.’s (“Tatung’s”) Motions Authorizing Service of Process on Defendants Gorham Investment Holding Co., Ltd. (“Gorham”) (Dkt. 103), Westinghouse Digital (Taiwan), Ltd. (“Westinghouse (Taiwan)”) (Dkt. 104), Chimei Trading Co., Ltd. (“Chimei”) (Dkt. 105), and Li Fu Investment Co. (“Li Fu”) (Dkt. 106) (together, “Defendants to Be Served”). Attorneys for co-defendants of the Defendants to be Served filed two declarations in opposition to the motions. *See* Decl. of John A. Kithas (Dkt. 115); Decl. of Qianli Yang (Dkt. 116). Having considered the motions and the declarations in opposition, the Court GRANTS all four motions for authorization of service of process.

I. BACKGROUND

This is a suit in which Tatung alleges that several international defendants operated a global enterprise to defraud Tatung. *See generally* First Am. Compl. When the Court resolves the motions to dismiss that are set for June 9, 2014, it will recite the facts in greater detail.

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For now, Tatung simply moves for an order authorizing service under Federal Rule of Civil Procedure 4(f)(3). *See* Mots. (Dkts. 103-06).

II. LEGAL STANDARD

Federal Rule of Civil Procedure 4(h) allows service on a foreign entity by “any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).” Rule 4(f)(3) allows service of process on foreign defendants by “means not prohibited by international agreement as may be directed by the court.” Aside from the requirement that service be “directed by the court” and “not prohibited by international agreement,” Rule 4(f)(3) imposes no other limitations. *Rio Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1014 (9th Cir. 2002). Courts have discretion to authorize a variety of service methods under Rule 4(f)(3). *Latinamerican Theatrical Grp., LLC v. Swen int’l Holding*, 2013 U.S. Dist. LEXIS 94028, at *3 (C.D. Cal. July 2, 2013); *James Rose v. Deer Consumer Prods., Inc.*, 2011 U.S. Dist. LEXIS 150160, at *2 (C.D. Cal. Dec. 29, 2011); *In Re LDK Solar Secs. Litig.*, 2008 U.S. Dist. LEXIS 90702 (N.D. Cal. June 12, 2008).

III. ANALYSIS

Rule 4(f)(3) bars service methods only if they are expressly prohibited by international agreement. *Forum Fin. Grp., LLC v. President and Fellows of Harvard College*, 199 F.R.D. 22, 23-24 (D. Me. 2001). The United States and Taiwan have not signed any treaties or agreements regarding service of process from United States courts. *Ryan v. Brunswick Corp.*, 2002 U.S. Dist. LEXIS 13837, at *4 (W.D.N.Y. May 31, 2002) (“Taiwan is not a party to the Hague Convention or any other relevant international agreement.”); *see also* U.S. Dep’t of State, Taiwan Judicial Assistance, http://travel.state.gov/law/judicial/judicial_669.html (last accessed December 19, 2013). Therefore, no international agreement expressly prohibits service of Taiwanese defendants. Given that, and the fact that the rest of the Defendants to Be Served, or their representatives, are in the United States, the Court finds that service under Rule 4(f)(3) is not prohibited.

Furthermore, the Court finds that the proposed methods of service are “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *See Rio*, 284 F.3d at 1017.

Accordingly, the Court GRANTS Tatung’s Motions for Authorization of Service of Process.

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IV.DISPOSITION

For the reasons explained above, the Court GRANTS Tatung's Motions for Authorization of Service of Process. Pursuant to Federal Rule of Civil Procedure 4(f)(3), Tatung may serve the operative summons and complaint on the following defendants by the following methods:

1. Gorham Investment Holding Co., Ltd. (a) by first class mail on Shulman Hodges and Bastian LLP, counsel of record for Chin-Ying Hsu and (b) by DHL International Service to Chin Ying Hsu at her home address in Taiwan;
2. Westinghouse Digital (Taiwan), Ltd. (a) by first class mail to Newmeyer & Dillion LLP, counsel of record for Westinghouse Digital, LLC, (b) by first class mail to Westinghouse Digital, LLC at its principal place of business in Orange County, (c) by first class mail to defendant John Araki at his residence in California, and (d) by DHL International Service to Westinghouse Digital (Taiwan), Ltd. at its corporate office in Taipei, Taiwan;
3. Chimei Trading Co., Ltd. and Rich Demander, Ltd. (a) by first class mail on Law Offices of John A. Kithas, counsel of record for defendants Shou-Por Houg and Rui-Lin Hsu, (b) by email to Shou-Por Houg and Rui-Lin Hsu, and (c) by DHL International Service to Chimei Trading Co., Ltd. at its registered corporate office in Taipei, Taiwan; and
4. Li Fu Investment Co. (a) by first class mail to the Law Offices of John A. Kithas, counsel of record for Shu Tze Hsu, (b) by email to Shu Tze Hsu, and (c) by DHL International Service to Li Fu Investment Co. at its address in Taiwan.

Furthermore, the June 9, 2014 hearings set for these motions are removed from the calendar.

The Clerk shall serve this minute order on the parties.