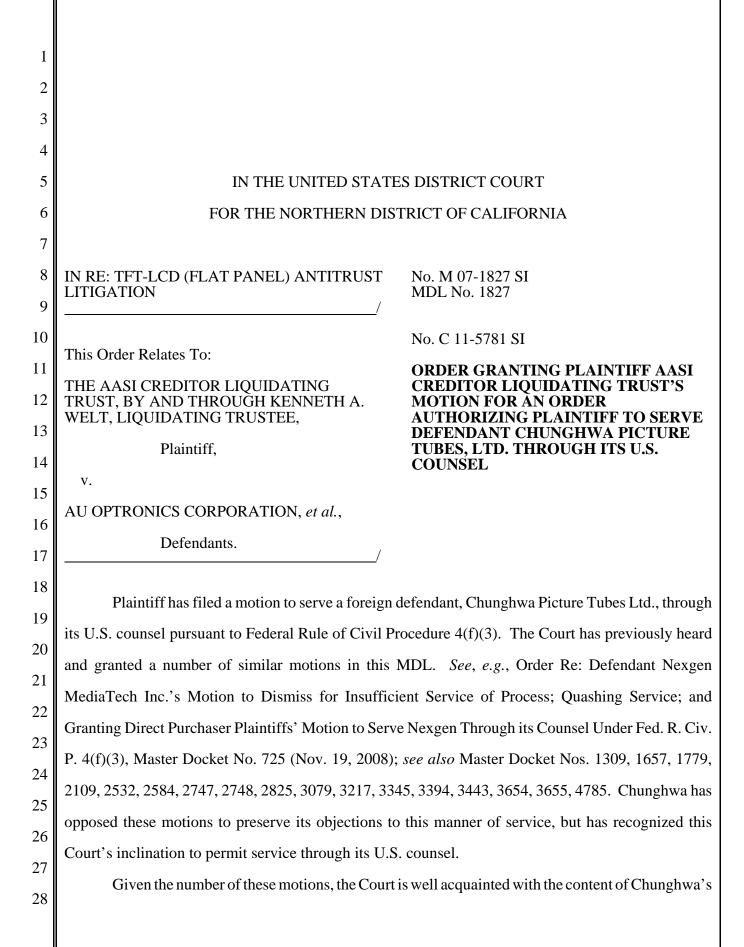
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United States District Court For the Northern District of California

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opposition.<sup>1</sup> In order to save Chunghwa the time and expense of filing another opposition brief, the
 Court rules as follows:

3 For the reasons set forth in its prior orders, the Court finds that service under Rule 4(f)(3) is both 4 available to plaintiff and appropriate in this case. See, e.g., Rio Properties, Inc. v. Rio Intern. Interlink, 5 284 F.3d 1007, 1014-15 (9th Cir. 2002) (holding that service of process under Rule 4(f)(3) is not a "last 6 resort," but "merely one means among several which enables service of process on an international 7 defendant"). Further, due to Chunghwa's active participation in this MDL for the past three years, the 8 Court finds that service through its U.S. counsel will fully comport with due process. See FMAC Loan 9 Receivables v. Dagra, 228 F.R.D. 531, 534 (E.D. Va. 2005) (finding service on defendant through his 10 attorney complied with due process because the numerous motions filed by defendant's attorney made 11 it "abundantly clear" that the two had been in constant communication).

Absent further objection from Chunghwa, plaintiff may serve Chunghwa through its U.S.
 counsel <u>after March 2, 2012</u>. If Chunghwa has a specific objection not already addressed by the prior
 orders of this Court, it may file an opposition before that date.

## CONCLUSION

For the foregoing reasons and for good cause shown, the Court hereby GRANTS plaintiff's
motion to serve Chunghwa Picture Tubes, Ltd. through its U.S. counsel pursuant to Federal Rule of
Civil Procedure 4(f)(3). Docket No. 14 in 11-5781; Docket No. 4771 in 07-1827. Absent objection
from Chunghwa, plaintiff may serve Chunghwa through counsel after March, 2012.

## IT IS SO ORDERED.

22 Dated: February 9, 2012

SUSAN ILLSTON United States District Judge

 <sup>&</sup>lt;sup>1</sup>Specifically, Chunghwa's opposition briefs have argued 1) that plaintiffs have not met the requirements for invoking alternative service under Rule 4(f)(3); and 2) that service through its U.S. counsel violates due process.