

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BEQA LAGOON SUPPORT SERVICES,  
a Nevada corporation,

Case No.: 20-cv-968 JLS (AHG)

Plaintiff,

V.

DAVID W. HASSELMAN, an individual;  
INTERNATIONAL MARINE SALES  
AND EXPORT, LLC, a Florida limited  
liability company; and DOES 1 to 10,  
inclusive,

**ORDER GRANTING PLAINTIFF'S  
EX PARTE APPLICATION FOR  
ALTERNATE SERVICE OF  
PROCESS BY ELECTRONIC MAIL  
(ECF No. 7)**

## Defendants.

Presently before the Court is Plaintiff Beqa Lagoon Support Services’s Ex Parte Application for an Order for Alternate Service of Process by Electronic Mail, or in the Alternative, by Publication (“Appl.” ECF No. 7). Plaintiff contends that despite repeated efforts, it has been unable to effectuate personal service on Defendants David W. Hasselman (“Hasselman”) and International Marine Sales and Export, LLC (“IMSE,” collectively “Defendants”). (Appl. at 2.) Defendants have not filed an opposition to the Motion. For the reasons stated below, Plaintiff’s Motion is **GRANTED**.

On May 26, 2020, Plaintiff filed the Complaint in this action against Defendants alleging fraud, breach of contract, and a breach of good faith and fair dealing. (See “Compl.,” ECF No. 1.) Plaintiff alleges it has been unable to achieve personal service

1 because “(1) Defendants have concealed their whereabouts by publishing a fictitious  
2 business address on its web page where the business is no longer located and no longer  
3 receives mail; (2) by publishing a non-valid agent for service address on the Florida  
4 Secretary of State’s website for IMSE; and (3) none of the last known addresses for  
5 Hasselman and IMSE are valid.” (Appl. at 2.) Plaintiff’s attempts to effect personal service  
6 by USPS certified mail, Federal Express, certified process server, and delivery through the  
7 Florida State Sheriff for Brevard County have been unsuccessful. Id.

8 Pursuant to the Federal Rules of Civil Procedure, an individual or limited liability  
9 company “may be served in a judicial district of the United States by: following state law  
10 for serving a summons in an action brought in courts of general jurisdiction in the state  
11 where the district court is located or where service is made.” Fed. R. Civ. P. 4(e)(1); see  
12 also Fed. R. Civ. P. 4(h)(1)(A). As this Court is located in California, it may authorize  
13 service of process in conformity with California law. According to section 413.30 of the  
14 California Code of Civil Procedure, “[w]here no provision is made in this chapter or other  
15 law for the service of summons, the court in which the action is pending may direct that  
16 summons be served in a manner which is reasonably calculated to give actual notice to the  
17 party to be served and that proof of such service be made as prescribed by the court.” Cal.  
18 Civ. Code § 413.30. To comport with due process, the method of service must be  
19 “reasonably calculated, under all the circumstances, to apprise interested parties of the  
20 pendency of the action and afford them an opportunity to present their objections.” Rio  
21 Props., Inc. v. Rio Intern. Interlink, 284 F.3d 1007, 1016 (9th Cir. 2002) (quoting *Mullane*  
22 v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)).

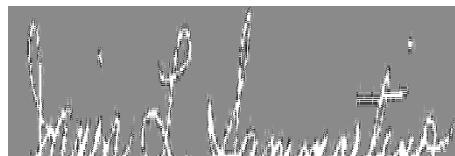
23 Here, the Court finds service by email is reasonably calculated to provide  
24 Defendants with actual notice of the pending case. The email address, imse1@aol.com, is  
25 listed on IMSE’s website under “Contact Us.” Appl. at 5; see *CloudClinic LLC v.*  
26 *TheraPetic Sols., Inc.*, No. 17-CV-1293-JLS (NLS), 2017 WL 11421312, at \*2 (S.D. Cal.  
27 Oct. 25, 2017) (holding service by email is reasonably calculated to give notice when email  
28 address is listed on defendant’s domain name registrations); *Facebook, Inc. v. Banana Ads,*

1 LLC, No. C-11-3619 YGR, 2012 WL 1038752, at \*3 (N.D. Cal. Mar. 27, 2012) (holding  
2 service by email is reasonably calculated to give notice to domestically located defendants  
3 engaged in internet-based commercial activities that rely on email as a means of  
4 communication). Plaintiff emailed Hasselman at the listed email address and the email  
5 relay system showed that Hasselman received Plaintiff's email regarding the current action.  
6 Angert Decl. ¶ 18, ECF 7-2. Additionally, Hasselman responded to email communications  
7 directed to imse1@aol.com by the Florida's Attorney General's consumer department  
8 office on July 22, 2020. Id. ¶ 19. Defendants should expect to be contacted through an  
9 email address listed on the company website. See Balsam v. Angeles Technology Inc., No.  
10 C 06-04114 JF (HRL), 2007 WL 2070297, \*4 (N.D. Cal. July 17, 2007) (holding  
11 defendants "should . . . expect to be contacted at the addresses they provided to the domain  
12 name registrar," and therefore email service was reasonably calculated to give actual  
13 notice).

14 Accordingly, the Court **GRANTS** Plaintiff's Ex Parte Motion and **AUTHORIZES**  
15 alternate service of process on Defendants via email at imse1@aol.com. The email  
16 message **SHALL NOTIFY** Defendants that a suit has been filed against them in the United  
17 States District Court for the Southern District of California on or before October 30, 2020.

18 **IT IS SO ORDERED.**

19 Dated: October 26, 2020



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