

ENTERED

January 10, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM DEVITT,

Plaintiff,

v.

FLASHDOT LIMITED,

PEKEN GLOBAL LIMITED,

PHOENIXFIN PRIVATE LIMITED,

CHUN GAN, AND

KE TANG,

Defendants.

CIVIL ACTION NO. 24-cv-04944

JURY TRIAL DEMANDED

**ORDER AUTHORIZING
ALTERNATE SERVICE OF PROCESS ON DEFENDANTS**

Plaintiff's Motion for Alternate Service on Defendants Flashdot Limited, Peken Global Limited, Phoenixfin Private Limited, Chun Gan, and Ke Tang (the "Motion") is **GRANTED**.

Rule 4(f)(3) permits service "by other means not prohibited by international agreement, as the court orders." FED. R. CIV. P. 4(f)(3). Service pursuant to the Hague Convention listed in subsection (f)(1), does not displace subsection (f)(3), which permits service by other means. *See Nagravisio SA v. Gotech Int'l Tech. Ltd.*, 882 F.3d 494, 498 (5th Cir. 2018). Service on a foreign defendant is therefore proper when it is a court-ordered method that is not prohibited by international agreement and is reasonably calculated, under the circumstances, to notify the defendant of the case and afford them an opportunity to present objections. *Viahart, L.L.C. v. He*

Gangpeng, No. 21-40166, 2022 U.S. App. LEXIS 3974, at *8 (5th Cir. Feb. 14, 2022). A court acting under Rule 4(f)(3) therefore remains free to order alternative means of service where a signatory nation has not expressly objected to those means. *Id.*

The Motion comports with due process and applicable law. Plaintiff has identified at least one known and valid form of electronic contact with Defendants, and Plaintiff's counsel has created a webpage for the sole purpose of providing notice of this action to Defendants. The address of that website will be provided to Defendants through the U.S. counsel for the corporate Defendants and through known email accounts for all of the Defendants.

Service by email and website posting in this case is reasonably calculated, under all circumstances, to apprise Defendants of the pendency of the action and afford them an opportunity to present their objections. Moreover, the requested methods of alternative service are the most likely means of communication to reach Defendants, who operate via the Internet and rely on electronic communications for the operation of their business in the United States.

This Court, therefore, **ORDERS** that Plaintiff may effectuate service of process on all Defendants by the following methods:

(1) via email to the corporate Defendants' U.S. counsel at the following email addresses:

Christopher.Lavigne@aoshearman.com;
Liz.Robinson@aoshearman.com;
John.Nathanson@aoshearman.com;
Katherine.Stoller@aoshearman.com;
Sean.Boren@aoshearman.com; and

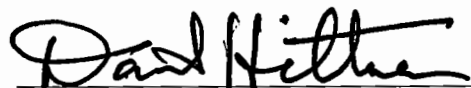
(2) via email directly to the Defendants at the following email addresses:

johnny@kucoin.com;
eric@kucoin.com;
legal@kucoin.com;
support@kucoin.com; and

(3) by publicly posting a copy of the Summonses and Complaint in this matter on the designated website appearing at www.wsltrial.com/KuCoin_notice.

It is so **ORDERED**.

Signed this 10 day of Jan, 2025.



Hon. David Hittner
United States District Judge