

Judge Allows Service of Lawsuit Through Twitter

St. Francis Assisi (“St. Francis”), a nonprofit corporation based in California that assists refugees, filed a lawsuit in the Northern District Court in California against two financial institutions(Kuwait Finance House and the Kuveyt-Turk Participation Bank Inc.) and individual defendant Hajjaj Al-Ajmi (a Kuwaiti citizen) for aiding in the genocide of Assyrian Christians in Iraq and Syria by supporting and raising funds for the Islamic State of Iraq and Syria (“ISIS”). St. Francis was unable to serve Al-Ajmi due to the uncertainty of his whereabouts as well as the refusal of the Central Authority in Kuwait to facilitate service.

In order to serve AlAjmi, St. Francis filed a motion to serve the lawsuit by alternative means under Rule 4(f)(3) of the Federal Rules of Civil Procedure. Specifically, St. Francis sought to serve Al-Ajmi via Twitter. Consistent with other recent rulings regarding service via social media, the Court granted St. Francis’s motion to serve AlAmji via Twitter. Under Rule 4(f)(3), courts may allow service by alternative methods when traditional methods are unsuccessful. The alternative method must provide notice reasonably calculated to notify the defendant of the pendency of the action, and the alternative method of service must not be prohibited by international agreement. St. Francis presented evidence of Al-Ajmi’s significant presence on Twitter and the prior, unsuccessful attempts to serve him through other means.

In its ruling, the Court cited two other recent opinions that allowed service of process through social media. In WhosHere, Inc. v. Gokhan Orun, 2014 WL 670817 (E.D. Va Feb 20, 2014), a lawsuit for trademark infringement, plaintiff attempted to serve defendant through proper channels in Turkey. However, service attempts were unsuccessful, and plaintiff was allowed to serve the lawsuit via email, Facebook, and LinkedIn. In the second recent case, Federal Trade Commission v. PCCare Inc., 2013 WL 841037 (S.D.N.Y. March 7, 2013), plaintiff was permitted to serve defendants through email and Facebook after unsuccessful service attempts were made through the Indian Central Authority.

With the continued expansion and use of social media, service of process via social media may become a more common and useful option to litigants when other service options are unsuccessful, particularly in certain parts of the world where service presents challenges and in situations where defendants are difficult to locate or access, but maintain an ongoing social media presence.

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