

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

TRAVELERS UNITED,	:	Case No. 2022 CA 003089 B
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	Judge Heidi M. Pasichow
EXPEDITION 196, LLC <i>et al.</i>,	:	
<i>Defendants.</i>	:	

ORDER GRANTING PLAINTIFF’S MOTION FOR ALTERNATIVE SERVICE

This matter is before the Court upon consideration of the Plaintiff’s Motion for Alternative Service (“Motion”), filed on August 17, 2022. Plaintiff is represented by counsel, but no Defendant has entered an appearance.

I. Procedural History

Plaintiff filed the instant Complaint on July 11, 2022 alleging violations of the District of Columbia’s Consumer Protection Procedures Act. On July 20, 2022, the Initial Order and Addendum was issued. On August 12, 2022, two (2) Initial Summonses were requested. On August 17, 2022, Plaintiff filed the instant Motion for Alternative Service.

II. Legal Standard

Under Super. Ct. Civ. R. 4(e)(3)(A) alternative methods of service are permitted. If the Court determines that after a plaintiff has made diligent efforts to serve a defendant but was unable to accomplish service on defendant “by a method prescribed in Rule 4(c) or (e)(1)-(2), the court may permit an alternative method of service that the court determines is reasonably calculated to give actual notice of the action to the party to be served.”

Alternative methods of service include transmitting a copy to the defendant by electronic mail if the serving party can establish (a) that the party to be served used this method for successful communication within the past six (6) months; and (b) sends a copy, by first class mail, to the last-known business or residential address of the person to be served. Super. Ct. Civ. R. 4(e)(3)(B)(ii). Additionally,

Super. Ct. Civ. R. 4(e)(3)(B)(iii) notes that alternative service may be conducted by any other manner that the court deems just and reasonable, including electronic mail delivery. Regardless of the alternative method of service the Court finds permissible, it may specify how the party must prove that service was accomplished by the alternative method. Super. Ct. Civ. R. 4(e)(3)(D). Further, any party seeking to use an alternative method of service “must file a motion with an affidavit specifying the diligent efforts to serve by methods prescribed in Rule 4(c) or (e)(1)–(2).” Super. Ct. Civ. R. 4(e)(3)(C).

III. Analysis

Plaintiff represents that she has, through counsel and a private process server, attempted to effect personal service on five (5) different occasions. Mot. at 1. Defendant Expedition 196, LLC is an LLC based around an Instagram influencer operated by Defendant Cassandra de Pecol. *Id.* Defendants reside at 23823 Malibu Road Suite 50-427, Malibu, CA 90265. *Id.* at 2. Plaintiff hired a private process server to personally serve Defendants; however, after five (5) attempts at service, Defendants have still not answered the door. *Id.*; *see also* Pl. Ex. B (Process Server’s Affidavit of Due Diligence). Thus, Plaintiff requests this Court grant its Motion for Alternative Service to serve Defendants via “email and Instagram DM.” Mot. at 1. The Court construes “DM” to mean a direct-message into someone’s Instagram social networking message inbox.

Thus, the Court grants the Motion for Alternative Service and orders Plaintiff to effectuate service upon Defendants Expedition 196, LLC and Cassandra de Pecol by emailing a copy of the Complaint and Demand for Jury Trial, Information Sheet, Summonses, and all other documents filed herein to Defendants Expedition 196, LLC and Cassandra de Pecol at cassie@cassiedepecol.com as well as Defendant de Pecol’s Instagram direct message inbox, @CassieDePecol. Pursuant to Super. Ct. Civ. R. 4(e)(3)(B)(ii), Plaintiff must also file proof that copies of the Complaint package were sent to Defendants’ last known addresses. **If Plaintiff does not comply with Super. Ct. Civ. R. 4, the Complaint may be dismissed for failure to serve.** Plaintiff shall also file proof of alternative service as well as proof of mailing to Defendants’ last known addresses on or before November 28, 2022. Defendants shall file an

Answer or any other responsive pleading on or before December 19, 2022. The Court will also continue the parties' Initial Scheduling Conference until January 13, 2023.

For updates on DC Superior Court's available resources and protocol in handling the ongoing coronavirus please continue to check: <https://www.dccourts.gov/coronavirus>.

Therefore, it is this 5th day of October 2022, hereby,

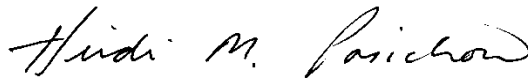
ORDERED that the Plaintiff's Motion for Alternative Service is **GRANTED**; it is,

FURTHER ORDERED that the Plaintiff **SHALL SERVE** Defendants Expedition 196, LLC and Cassandra de Pecol at cassie@cassiedepecol.com as well as Defendant de Pecol's Instagram direct message inbox, @CassieDePecol and **FILE** Proof of Service pursuant to Super. Ct. Civ. R. 4(e)(3)(C) **on or before November 28, 2022**; it is,

FURTHER ORDERED that pursuant to Super. Ct. Civ. R. 4(e)(3)(B)(ii), Plaintiff **SHALL FILE** proof of service at Defendants' last known addresses **on or before November 28, 2022**; it is,

FURTHER ORDERED that Defendants **SHALL FILE** an Answer or any other responsive pleading **on or before December 19, 2022**; and, it is,

FURTHER ORDERED that the parties' Initial Scheduling Conference, set for October 28, 2022, is **VACATED AND RESCHEDULED** for **January 13, 2023 at 9:30 a.m. in Courtroom 516**.



Heidi M. Pasichow
Associate Judge
(Signed in Chambers)

Copies e-served to:

Lauren Wolfe
Counsel for Plaintiff