

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOLCOW LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:26-cv-2059
	)	
ZHEN ELIZABETH FONG-JONES,	)	
	)	
Defendant.	)	

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MOTION FOR ALTERNATIVE SERVICE

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NOW COMES the Plaintiff, Lolcow LLC, by and through its undersigned counsel, and moves that this Court authorize alternative or substitute service upon the Defendant, Zhen Elizabeth Fong-Jones. In support of this Motion, Plaintiff states as follows:

1. Plaintiff states that to the best of its information and belief, as more fully set forth below, Defendant Fong-Jones is not currently located in the United States. Fed. R. Civ. P. 4 (f)(3) empowers this Court to allow service of process upon an individual in a foreign country by any means not specifically prohibited by international agreement. Additionally and/or alternatively, Fed. R. Civ. P. 4 (e)(1), by way of incorporating NY CPLR § 308 (5), authorizes service to be accomplished “in such manner as the court, upon motion without notice, directs, if service is impracticable” via other means.

2. This Court has repeatedly permitted alternative or substitute service under the Fed. R. Civ. P. 4(f)(3). See, e.g., *Paushok v. Ganbold*, 487 F. Supp. 3d 243, 245 (S.D.N.Y. 2020) (email service in Russia, service via U.S. Mail to counsel in the United States), *RSM Prod. Corp. v. Fridman*, 2007 U.S. Dist. LEXIS 58194 (S.D.N.Y. Aug. 10, 2007) (service upon American attorney in lieu of service in Russia). So have the state courts of New York under

similar circumstances, using NY CPLR § 308 (5). *Wimbledon Fin. Master Fund, Ltd. v. Laslop*, 2019 NY Slip Op 01311, ¶ 1, 169 A.D.3d 550, 551, 95 N.Y.S.3d 152, 153 (1<sup>st</sup> Dept.) (upholding electronic service upon an individual who claimed to be located in the Bahamas), *Gupta v. Gupta*, 2024 NY Slip Op 34411(U) (N.Y. Co. Sup. Ct.) (email service in Dubai).

3. Plaintiff seeks here to serve the Defendant via three methods:
  - a. Via email to Defendant's counsel, Lane Haygood at [lhaygood@kusklaw.com](mailto:lhaygood@kusklaw.com);
  - b. Via email to Fong-Jones personally at [lizf@honeycomb.io](mailto:lizf@honeycomb.io); and
  - c. Via U.S. Mail to Defendant at 9450 SW Gemini Drive, PMB 64524, Beaverton OR 97008.

These methods of service are reasonably calculated to bring this suit to the attention of the Defendant, comport with due process, and are necessary because traditional service is unlikely to be effective, economical, or practicable for the reasons set forth below.

4. According to public social media posts, Defendant is a world traveler who is unlikely to be served via conventional means. Specifically, Defendant purports to “split my time” between Canada and Australia. Exhibit A. But Defendant is currently in London, England according to a BlueSky post:



Simultaneously, and also according to public social media posts, the Defendant apparently intends to vote in New York's 8<sup>th</sup> Congressional District:



But Fong-Jones appears to have sold a home in that Congressional District in 2022. Exhibit B. So Fong-Jones currently has no fixed address of which Plaintiff is aware in either Canada, Australia, or New York that can be used to accomplish service of process.

5. The copyright that is at issue in this case was registered listing Defendant's address as 9450 SW Gemini Drive, PMB 64524, Beaverton OR 97008. Exhibit C. That comports with the address listed on the public documents associated with the sale of a Brooklyn residence associated with Fong-Jones in 2022. Exhibit B. But the Oregon address is not a residential address. It is associated with a virtual mailbox service operated by LegalZoom.

<https://www.legalzoom.com/business/business-operations/lz-virtual-mail-overview.html>.

6. There is reason to believe that Lane Haygood of the law firm Kamerman, Uncyk, Soniker, & Klein, P.C. is authorized to represent Fong-Jones in this matter. Specifically, as alleged in the Complaint, Mr. Haygood himself stated that the firm represented Fong-Jones with respect to the copyright at issue. ECF No. 1-1. And Mr. Haygood's law firm is also listed as the agent of Fong-Jones on the registration at the U.S. Copyright Office, although another lawyer at that firm appears by name (Thomas Prince). Exhibit C.

7. Mr. Haygood was previously eager to engage in correspondence with Lolcow LLC's counsel in this matter. Not only were the exhibits to the Complaint, ECF Nos. 1-1, 1-2, and 1-3, all generated in close temporal proximity and exchanged via email, but Mr. Haygood followed up by email on March 9 and March 11, 2026. In the March 9, 2026 correspondence, Mr. Haygood demanded, on behalf of Fong-Jones, a response not later than "5:00 p.m. Central on Friday, March 13, 2026." In advance of the deadline imposed by Fong-Jones' counsel, Plaintiff filed this action and requested a waiver of service. Exhibit D. At that point, Fong-Jones' counsel suddenly went radio silent. What was previously a very important case on a short time clock has, for reasons unknown to undersigned counsel, apparently become much less urgent. No response at all has been received to the request for a waiver of service, not even an acknowledgement that it was received or a promise for a later substantive answer to the request.

8. Under Fed. R. Civ. P. 4(f)(3), courts have specifically approved service via email upon individuals in the Australia, Canada, and the United Kingdom. See, e.g., *Platonic Sys. Ltd., Ltd. Liab. Co. v. Jakobsson*, Civil Action No. 24-cv-02569-TPO, 2025 U.S. Dist. LEXIS 273018, at \*10 (D. Colo. Dec. 3, 2025) (collecting cases relating to alternative

service in Canada and the United Kingdom), *80sTee.com, Inc. v. Jersey Nation Pty., Ltd.*, Civil Action No. 25-cv-01603-STV, 2025 U.S. Dist. LEXIS 159866, at \*13 (D. Colo. Aug. 18, 2025) (alternative service in Australia). Because Fong-Jones is very likely in one of these three countries, these cases are instructive.

9. “There is no requirement that a plaintiff ‘attempt service through the other provisions of Rule 4(f) before the Court may order service pursuant to Rule 4(f)(3).’” *I.S.T. N. Am., LLC v. Trelleborg Pipe Seals Milford Inc.*, No. 25-CV-8349 (VSB) (BCM), 2026 U.S. Dist. LEXIS 26590, at \*9 (S.D.N.Y. Feb. 5, 2026), citing *S.E.C. v. Anticevic*, 2009 U.S. Dist. LEXIS 11480, 2009 WL 361739, at \*4 (collecting cases). However, Plaintiff respectfully submits here that any attempt to effectuate service by requesting letters rogatory through the Hague Convention would be impracticable and unlikely to meet with success. First, it is presently unknown where the Defendant presently is, such that separate letters rogatory might need to be sent to Australia, Canada, and the United Kingdom. But except as to the general cities in which Defendant is located in each of those countries (Sydney, Vancouver, and London), Plaintiff has no address information. So it is likely that expensive investigation would have to be undertaken before the process could even begin for letters rogatory. And because the Defendant is highly mobile, there is every reason to believe that absent immediate service, the Defendant will likely transit to a new international location before any particular method of service can be effectuated. At a minimum, in light of these circumstances, this Court should permit alternative service pursuant to Fed. R. Civ. P. 4 (e)(1)/NY CPLR § 308 (5), because it is impracticable to serve the Defendant via any traditional means.

10. In light of the Defendant’s decision to threaten immediate litigation under U.S.

copyright law against a U.S. company, it is imminently fair to serve Defendant with a summons via U.S. mail at the Oregon virtual mailbox that is listed as Fong-Jones' address on the copyright registration for the work that is at issue in this case, and via counsel at the address that Fong-Jones' copyright counsel used to register that same copyright and to contact Plaintiff's attorney.

WHEREFORE, Plaintiff respectfully requests that the Court permit alternative/substitute service as set forth above. A proposed order is attached for the convenience of the Court.

Respectfully submitted this the 18<sup>th</sup> day of March 2026,

HARDIN LAW OFFICE

By: /s/Matthew D. Hardin

Matthew D. Hardin

Attorney Reg. No. 5899596

101 Rainbow Drive # 11506

Livingston, TX 77399

Phone: 212-680-4938

Email: MatthewDHardin@gmail.com

*Counsel for Lolcow LLC*



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## Liz Fong-Jones' Post



Liz Fong-Jones

1mo



thanks to everyone who helped with this and with my citizenship application! my application for Australian citizenship is now with my solicitors to submit!



Liz Fong-Jones

1y · Edited

It is January 2025, which marks 3 years since I landed in Australia as a permanent resident. Unfortunately, my resident return travel facility expires not 5 years from initial landing, but 5 years from the initial visa grant which occurred in Nov 2020.

In order to get an automatic 5-year renewal, I'd need to have spent 2 years onshore since Nov 2020, but I have not been able to do that given the abridged timeline and the fact I split my time between here and Canada. Thus, to get my travel facility renewed 1 year at a time (until I become a citizen), I need to get referee letters to show I have "substantial ties to Australia that are of benefit to Australia".

If you've benefited from having me speak at your event in Australia, or from having me do work to support you from onshore with your SRE, OpenTelemetry, or Honeycomb journey, please let me know if you'd like to write a referee letter. Bonus points if you're an [ACS \(Australian Computer Society\)](#) member, as that's the locally recognised body for our profession.





   42 · 6 Comments

 Like

 Comment

 Share

**Martin C.**

1mo

Welcome [Liz Fong-Jones](#) - hope you never need to back down on this decision

Like · Reply

**Luis Bruno**

1mo

congrats, and don't pet the cassowaries

Like · Reply

**Stephen Swoyer**

1mo

take me with u

Like · Reply

**Mathew Vine**

1mo

Woo! Good luck with everything from here, Australia's kinder and more fun with you around!

Like · Reply | 1 Reaction

**Nick Triantafillou**

1mo



Like · Reply

**Bruno Watt**

1mo

ONE OF US. ONE OF US!!!

Like · Reply | 1 Reaction

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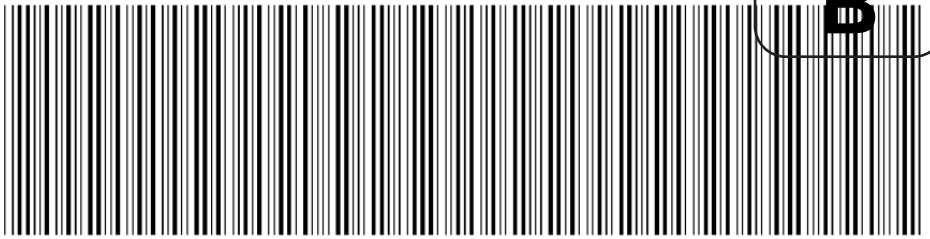
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**B**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 8**

**Document ID: 2022012500712001**  
Document Type: DEED  
Document Page Count: 6

Document Date: 01-14-2022

Preparation Date: 01-25-2022

**PRESENTER:**

FIRST CHOICE ABSTRACT  
2200 WANTAGH AVE  
VLR-K-21224 S  
WANTAGH, NY 11793  
516-781-0674  
sgorman@firstchoiceabstractny.com

**RETURN TO:**

FIRST CHOICE ABSTRACT  
2200 WANTAGH AVE  
VLR-K-21224 S  
WANTAGH, NY 11793  
516-781-0674  
sgorman@firstchoiceabstractny.com

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	1996	1301	Entire Lot 1	67 JEFFERSON AVENUE

**Property Type:** SINGLE RESIDENTIAL CONDO UNIT

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

THE ZHEN ELIZABETH FONG-JONES LIVING TRUST  
9450 SW GEMINI DR PMB 64524  
BEAVERTON, OR 97008

**GRANTEE/BUYER:**

ANGELA FABBRO  
67 JEFFERSON AVEUNE UNIT 1  
BROOKLYN, NY 11216

Additional Parties Listed on Continuation Page

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 67.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 125.00

NYC Real Property Transfer Tax:

\$ 22,087.50

NYS Real Estate Transfer Tax:

\$6,200.00 + \$15,500.00 = \$ 21,700.00

**RECORDED OR FILED IN THE OFFICE**

**OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 01-31-2022 13:24

City Register File No.(CRFN):

**2022000045324**



*Annette McMill*

**City Register Official Signature**



Registration Number  
**VAu 1-576-006**  
Effective Date of Registration:  
August 25, 2025  
Registration Decision Date:  
February 18, 2026

## Copyright Registration for a Group of Unpublished Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(j)

### Title

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**Title of Group:** Fong-Jones Photo Group 1 1-14962489821  
**Number of Photographs in Group:** 8

- **Individual Photographs:** Liz Fave,  
Liz Fave tiff,  
Liz1,  
Liz1 tiff,  
Liz2,  
Liz2 tiff,  
Liz3,  
Liz3 tiff

### Completion/Publication

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**Year of Completion:** 2025

### Author

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- **Author:** Zackary Drucker  
**Author Created:** photographs  
**Work made for hire:** No

### Copyright Claimant

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**Copyright Claimant:** Zhen Elizabeth Fong-Jones  
9450 Gemini Dr, PMB 64524, Beaverton, OR, 97008, United States  
**Transfer statement:** By assignment

## Rights and Permissions

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**Name:** Thomas Prince  
**Email:** tprince@kusklaw.com  
**Telephone:** (704)954-8038  
**Alt. Phone:** (980)417-4914  
**Address:** 1700 Broadway  
16th Floor  
New York, NY 10019

## Certification

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**Name:** Thomas Prince  
**Date:** August 15, 2025

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**Correspondence:** Yes  
**Copyright Office notes:** Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.

Regarding group registration: A group of unpublished photographs may be registered on one application with one filing fee only under limited circumstances. ALL of the following are required: 1. All photographs (a) are unpublished AND (b) were created by the same author AND (c) are owned by the same copyright claimant AND 2. The group contains 750 photographs or less AND 3. A sequentially numbered list of photographs containing the title and file name for each photograph included in the group must be uploaded along with other required application materials. The list must be submitted in an approved document format such as .XLS or .PDF. The file name for the numbered list must contain the title of the group and the Case Number assigned to the application.

Regarding group registration: Registration extends to corresponding photographs in contents titles and in deposit.



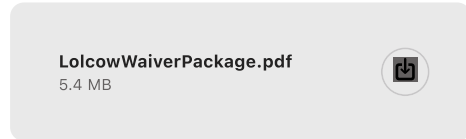
**From:** Matthew Hardin [HardinLawPLLC@icloud.com](mailto:HardinLawPLLC@icloud.com)  
**Subject:** Re: Removal Request Pursuant to 17 U.S.C. § 512(c)(3)  
**Date:** March 12, 2026 at 8:18 PM  
**To:** Lane Haygood [lhaygood@kusklaw.com](mailto:lhaygood@kusklaw.com)  
**Cc:** Kathryn Tewson [ktewson@kusklaw.com](mailto:ktewson@kusklaw.com), [matt@matthewhardin.com](mailto:matt@matthewhardin.com)

Good evening,

In advance of your 5 p.m. deadline tomorrow, and so that your client does not somehow take the view that Lolcow LLC is acting out of willfulness, we have filed the attached action for declaratory relief. We remain of the view that mediation is appropriate, but we are not in a position to agree to your terms below, which we believe are guided more by a desire to silence online criticism and discussion than to resolve a legitimate copyright dispute. Perhaps your client will be interested in making use of the [District Court's ADR/mediation program](#).

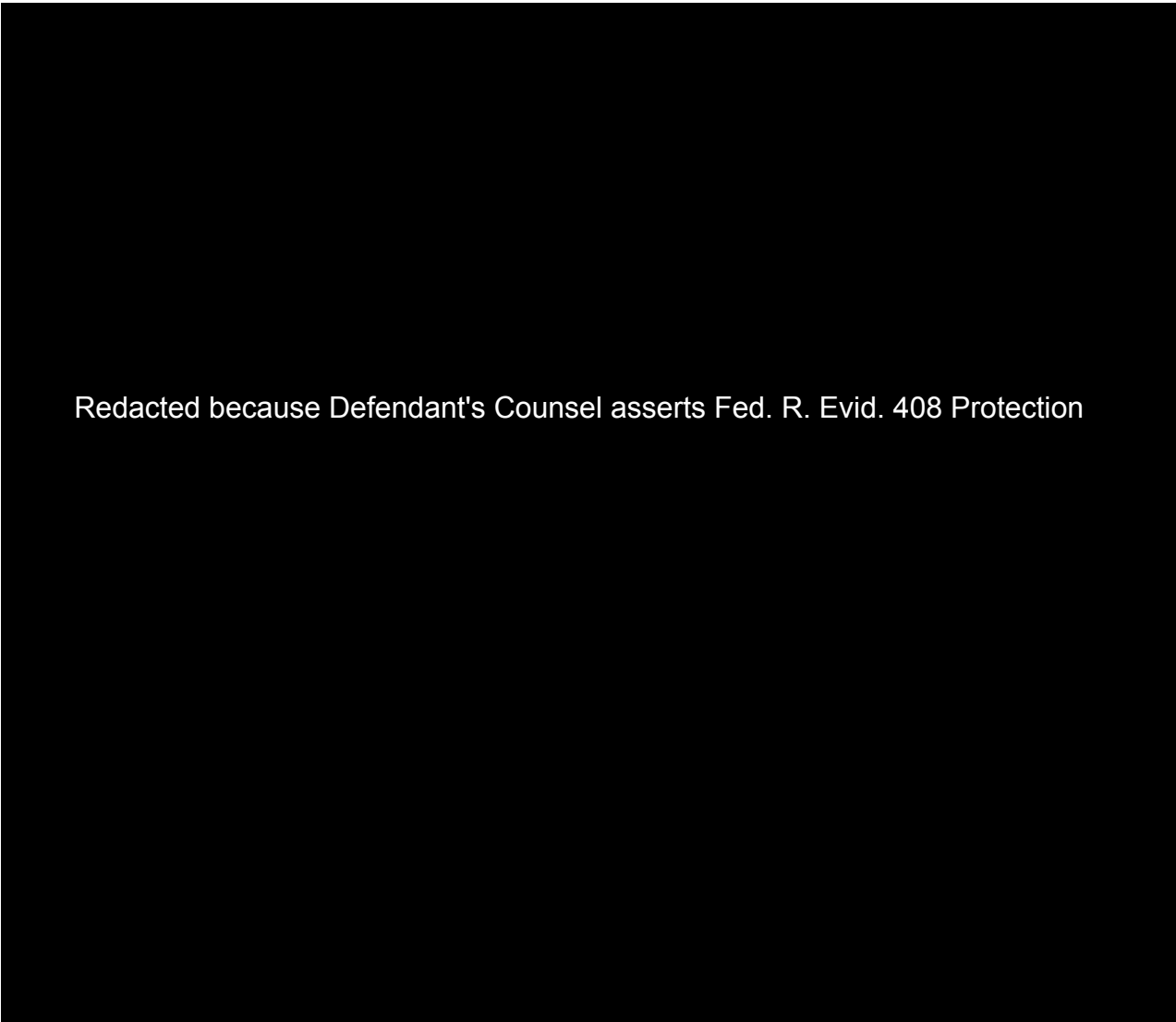
We would appreciate it if you would be amenable to waiving service and have enclosed the waiver form for that purpose. Please let me know if you are not authorized to waive service, so that I can take appropriate action to effectuate service of a summons.

Best,



**Matthew D. Hardin**  
**Hardin Law Office**  
Direct Dial: 202-802-1948  
NYC Office: 212-680-4938  
Email: [MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)

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Redacted because Defendant's Counsel asserts Fed. R. Evid. 408 Protection

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOLCOW LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:26-cv-2059
	)	
ZHEN ELIZABETH FONG-JONES,	)	
	)	
Defendant.	)	

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**[PROPOSED]**  
**ORDER GRANTING MOTION FOR ALTERNATIVE SERVICE**

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This matter is before the Court on Lolcow LLC’s Motion for Alternative Service. ECF No. 6. For the reasons set forth in the Motion, and for good cause shown, it is hereby ORDERED that Lolcow LLC shall effectuate service by simultaneously taking the following actions:

1. Emailing a copy of the summons and complaint to Lane Haygood at lhaygood@kusklaw.com and Zhen Elizabeth Fong-Jones at lizf@honeycomb.io.

2. Depositing a copy of the summons and complaint into the U.S. Mail, with postage prepaid and return receipt requested, directed to:

Zhen Elizabeth Fong-Jones  
9450 SW Gemini Drive, PMB 64524  
Beaverton OR 97008.

Plaintiff shall also include a copy of this order along with the summons and complaint.

Proof of service shall thereafter be promptly filed with the Court.

IT IS SO ORDERED this the \_\_\_ day of March, 2026.

\_\_\_\_\_  
Judge