

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-cv-23745-ALTMAN

COMMODITY FUTURES  
TRADING COMMISSION,

*Plaintiff,*

*v.*

TRADERS DOMAIN FX LTD. *d/b/a*  
THE TRADERS DOMAIN, *et al.*,

*Defendants.*

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**ORDER AUTHORIZING ALTERNATE SERVICE OF PROCESS**

The Plaintiff has filed an *Ex Parte* Motion for an Order Authorizing Alternate Service of Process Pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure (the “Motion”) [ECF No. 70]. This is an action brought by the Commodity Futures Trading Commission (“CFTC”) against sixteen defendants for allegedly “orchestrat[ing] a multi-layered scheme to solicit funds for the purpose of trading leveraged or margined retail commodity transactions, specifically gold-to-U.S. dollar pairs (‘XAU/USD’), as well as assorted other commodities, through pooled and individual accounts” in violation Commodity Exchange Act. Complaint [ECF No. 1] ¶ 1. The CFTC asks us to authorize “alternative service of process on Defendants who are located outside of the United States, specifically Traders Domain FX LTD. d/b/a/ The Traders Domain, Ares Global Ltd. d/b/a/ Trubluefx, Fredrick Teddy Joseph Safranko a/k/a Ted Safranko, David William Negus-Romvari, and Juan Herman a/k/a JJ Herman” (the “Foreign Defendants”). Motion at 2. After careful review, we **GRANT** the Motion.

## THE LAW

“Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served at a place not within any judicial district of the United States . . . by other means not prohibited by international agreement, as the court orders.” FED. R. CIV. P. 4(f)(3); *see also Brookshire Bros. v. Chiquita Brands Int’l, Inc.*, 2007 WL 1577771, at \*2 (S.D. Fla. May 31, 2007) (Cooke, J.) (“[D]istrict courts have broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent with due process and are not prohibited by international agreements.”). “Constitutional due process requires only that service of process provide ‘notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Chanel, Inc. v. Zhixian*, 2010 WL 1740695, at \*3 (S.D. Fla. Apr. 29, 2010) (Cohn, J.) (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)). “A party seeking authorization for alternate service under Rule 4(f)(3) need not attempt service by those methods enumerated under subsections (f)(1) and (f)(2), including by diplomatic channels and letters rogatory, before petitioning the Court for 4(f)(3) relief.” *Sec. & Exch. Comm’n v. Palm House Hotel, LLP*, 2018 WL 9849603, at \*1–2 (S.D. Fla. Nov. 7, 2018) (Middlebrooks, J.) (citation omitted). “The decision to accept or deny service by alternate means pursuant to Rule 4(f)(3) falls soundly within the discretion of the district court.” *Ibid.*

## DISCUSSION

Our Plaintiff avers that each of the Foreign Defendants presently reside outside of the United States. Defendant Safranko “is a Canadian citizen with addresses in Ontario and British Columbia, Canada.” Motion at 5 (citing Declaration of Michelle Bougas (“Bougas Decl.”) [ECF No. 70-1] ¶ 14). Defendant Negus-Romvari “is a Canadian citizen who is currently believed to be residing in Mexico.” *Ibid.* (citing Bougas Decl. ¶ 16). Defendant Traders Domain “is a corporation registered under the laws of Saint Vincent and the Grenadines[.]” *Ibid.* (citing Bougas Decl. ¶ 5). Defendant Trubluefx “is a

corporation registered under the laws of Saint Lucia” and also maintains an “operating office” in “New Belgrade, Serbia.” *Ibid.* (citing Bougas Decl. ¶ 9). Finally, Defendant Herman is “a U.S. citizen and resident of Florida[,]” but has apparently “left his home state of Florida in August 2024 on a flight bound for Dubai, United Arab Emirates” and has not returned since. *Ibid.* (citing Bougas Decl. ¶¶ 19, 21).

The Plaintiff argues (and we agree) that service by email and website comports with due process. The Plaintiff has identified dozens of emails used by the Foreign Defendants “in connection with the operation of their online business, [Traders Domain], other business, and/or in connection with opening and/or maintaining financial accounts” or “for the purposes of communicating with customers.” *Id.* at 7 (citing Bougas Decl. ¶¶ 6, 14, 17, 22). And the Plaintiff even confirmed that the “email addresses . . . are still operational” since they “recently emailed these addresses” and culled any email addresses that gave “bounceback notifications or other indication that the email addresses were no longer operational[.]” *Ibid.*; *see also* Bougas Decl. ¶¶ 7–8, 11–12, 14–15, 17–18, 22–24 (same).

Moreover, the Plaintiff “has also created a publication website on which copies of the Complaint, Summons, SRO, and other relevant filings and orders issued in this action will be posted such that anyone accessing the website will be able to view them. The Plaintiff will provide each Foreign Defendant a link to this website via email.” Motion at 8 (citing Bougas Decl. ¶ 25). Courts in this District have authorized service of process via email and website publication in similar situations. *See Luxottica Grp. S.p.A & Oakley, Inc., v. The Individuals, P’ships & Unincorporated Ass’ns Identified on Schedule “A”*, 2020 WL 6529615, at \*1-2 (S.D. Fla. Jan. 8, 2020) (Martinez, J.) (authorizing service of process via email, “private messaging” on an “e-commerce marketplace platform,” and website posting); *Chanel, Inc., v. The Individuals, P’ships & Unincorporated Ass’ns Identified on Schedule “A”*, 2021 WL 1053278, at \*2 (S.D. Fla. Feb. 9, 2021) (Ruiz, J.) (same).

Service by email, website publication, or online messaging is therefore reasonably calculated, under all the circumstances, to apprise the Foreign Defendants of the pendency of this action and to

afford them an opportunity to present their objections. Indeed, since the Foreign Defendants largely operate through the Internet to conduct and maintain their businesses, online communication and web publication are (in our view) the most likely means of providing the Foreign Defendants with notice of this action. *See* Motion at 7–8; *see also Nat’l Ass’n for Stock Car Auto Racing, Inc. v. Does*, 584 F. Supp. 2d. 824, 826 (W.D.N.C. 2008) (authorizing service via website publication due to “the realities of the twenty-first century and the information age”); *Tiffany (NJ) LLC v. DORAPANG Franchise Store*, 2018 WL 4828430, at \*3 (S.D. Fla. July 17, 2018) (Ungaro, J.) (“The Court concludes that e-mail service and Internet publication are indeed the most likely means of communication to reach Defendants, who operate via the Internet and rely on electronic communications for the operation of their businesses.”).

We’ll say one more quick word about Defendant Herman who, unlike the rest of the Foreign Defendants, *is* a United States citizen with an apparent residence in Florida. *See* Motion at 5 (citing Bougas Decl. ¶¶ 19, 21). Although we are hesitant to authorize alternative service of process on United States citizens, the Plaintiff has made *numerous* attempts to serve Herman between October 8, 2024, and November 6, 2024, such as by “contact[ing] two counsel known to have represented Herman in two separate investigations and litigations[,]” attempting to personally serve Herman at three different addresses in South Florida, “attempt[ing] to contact Herman via telephone at three telephone numbers associated with him[,]” and speaking to a property manager to confirm if Herman still lived at the property and if he had a forwarding address for Herman. Bougas Decl. ¶ 20. When all these attempts failed, the Plaintiff “requested from U. S. Customs and Border Protection (“CBP”) an international travel history summary for Herman” and learned that Herman had left the United States for Dubai in August 2024 and had not returned as of November 12, 2024. *Id.* ¶ 21; *see generally* CBP Encounter History for Juan Herman [ECF No. 70-1] at 21–25. Since the Plaintiff made several good-faith (but failed) attempts to serve Herman in the United States—and given the evidence that Herman is presently residing in a foreign jurisdiction—we agree that serving Herman by email and website publication comports with due

process and is reasonably calculated to apprise Herman of this action. *See U.S. Commodity Futures Trading Comm'n v. Aliaga*, 272 F.R.D. 617, 620 (S.D. Fla. 2011) (Cooke, J.) (allowing alternative service by email where “[t]he CFTC diligently attempted to perfect service on Defendants or obtain a waiver of service from them or their local counsel” and “[t]he U.S. Marshals attempted service at CMA’s last known principal address, as well as an alternate business address”); *Sec. & Exch. Comm’n v. Malom Grp. AG*, 2014 WL 12792415, at \*1–2 (D. Nev. Mar. 17, 2014) (authorizing alternative service by email where American defendant “fled the United States” in an apparent attempt “to evade service”).

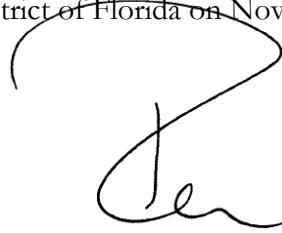
We therefore **ORDER** and **ADJUDGE** that the Motion [ECF No. 70] is **GRANTED**. The Plaintiff may serve the Summonses, the Complaint, and all other filings and discovery in this case on each of the Foreign Defendants by:

(1) email at the email addresses identified below:

- **Safranko:** tsafranko@gmail.com; ted@tradersdomain.com ; info@theforexfamily.com; tsafranko@outlook.com; tsafranko@hotmail.com; tsafranko@saegcapital.com; and tjsafranko@gmail.com@hubspotstarter.net
- **Negus-Romvari:** davidnegus@stonescale.ca; davidsnr1995@gmail.com; contactmastermindfx@gmail.com; contactmmfx@gmail.com; restandrelaxations@proton.me; and davidnegus@saegcapital.com.
- **Herman:** jjherman08@gmail.com; JJ@algocapitalfx.com; support@algocapitalfx.com; JJ@q5fund.com; jjherman@uservio.com; and intelligenzagroup@gmail.com.
- **Traders Domain:** accounts@thetradersdomain.com; info@thetradersdomain.com; vippamm@thetradersdomain.com; info@thetradersdomain.com; payments@thetradersdomain.com; support@thetradersdomain.com; admin@thetradersdomain.com; partners@thetradersdomain.com; customersupport@thetradersdomain.com; and noreplynewsletter@thetradersdomain.com.
- **Trubluefx:** support@trubluefx.com; support@trubluefx.info; payments@trubluefx.info; payments@trubluefx.info; pamm@trubluefx.info; and contact@trubluefx.com.

(2) website by posting a copy of the Summonses, Complaint, SRO, and other relevant filings and orders in this matter on Plaintiff's website appearing at the URL: <https://cftc-stg.ctacdev.com/enfservice/case1-24-cv-23745-TradersDomainFXLtd>.

**DONE AND ORDERED** in the Southern District of Florida on November 25, 2024.

A handwritten signature in black ink, appearing to read 'Roy K. Altman', written over a horizontal line.

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**ROY K. ALTMAN**  
**UNITED STATES DISTRICT JUDGE**