

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

ASSOCIATED ENERGY GROUP, LLC,

Plaintiff,

vs.

NEXUS FLIGHT OPERATIONS
SERVICES, a foreign company
incorporated under the laws of Saudi
Arabia,

Defendant.

C.A. NO. 23-cv-22611-KMW

**PLAINTIFF, ASSOCIATED ENERGY GROUP, LLC'S,
RESPONSE TO ORDER TO SHOW CAUSE REGARDING SERVICE [DE 19]**

Plaintiff, ASSOCIATED ENERGY GROUP, LLC (“AEG”), by and through its undersigned counsel, hereby respectfully submits its Response to this Court’s Order to Show Cause Regarding Service, dated November 15, 2024 [DE 19] (“**Order**”), and respectfully requests this Court grant AEG additional 30 days to inform the Court whether AEG will voluntarily dismiss this action without prejudice or if AEG will have obtained sufficient information to serve process upon Defendant Nexus Flight Operations Services (“**Nexus**”). In support of this Response, Plaintiff states as follows:

1. On July 13, 2023, AEG filed the instant action against Nexus, a foreign company incorporated under the laws of Saudi Arabia, to recover damages in excess of US \$350,489.26 due and owing to AEG by Nexus and arising from Nexus’ breach of the agreement with AEG for the sale and delivery of aviation fuel and services by AEG to Nexus.

2. On the same day, the clerk of court issued summonses directed to the Nexus.

3. On August 16, 2023, AEG's counsel contacted its foreign process server, Celeste Ingalls. Crowe & Associates, Inc. d/b/a Crowe Foreign Services ("**Crowe**"), to request information regarding the available methods and cost of service of process upon Nexus in Saudi Arabia.

4. On October 2023, after conducting some research and upon discussions regarding the limited and costly methods of service of process available, AEG provided the issued summons and complaint to Crowe, to serve Nexus. Service was attempted upon the last known address for Nexus. However, it was discovered during a company registration investigation that Nexus Flight Operations Service had ceased its operations in 2022 and closed down its flight systems.

5. Thereafter, using all sources available in Saudi Arabia, a search was performed to locate a home address for Nexus' CEO, Abdullah bin Muhammad Bashir bin Ahmed Abu Al-Qasim Al-Sayed, but no personal address could be found.

6. AEG also attempted service on Nexus at two different addresses available online and in the public records provided by the private investigator, by attempting to deliver summons and complaint via FedEx, under Federal Rule of Civil Procedure 4(h)(2), requiring a signed receipt, to be addressed and dispatched by the clerk of the court.

7. However, both packages to both addresses were returned undeliverable.

8. On April 12, 2024, AEG filed its Motion for Order Authorizing Alternative Service of Process via email, which the Court denied without prejudice at a status conference on April 24, 2024, as the Court required more information in support of AEG's request.

9. Thereafter, AEG hired a private investigations firm, Integro Advisers, which issued a report dated July 18, 2024 detailing Nexus' possible relationship to Wyvern Ltd. d/b/a

Wyvern Consulting, U.S. company (“**Wyvern**”) through Nexus’ U.S. affiliate Nexus Services America LLC, and inactive Delaware company.

10. After some follow-up research, AEG issued a subpoena directed to Wyvern on September 16, 2024, for any information which would assist AEG in serving process upon any representative of Nexus in the U.S.

11. On November 15, 2024, the subpoena was served on Wyvern, after a few unsuccessful attempts.

12. The deadline for Wyvern to respond to the subpoena is December 2, 2024.

13. If no relevant information that could assist AEG in possibly serving Nexus or one of its representatives is obtained, AEG intends to voluntarily dismiss this action without prejudice.

14. In light of the foregoing, AEG respectfully requests this Court grant AEG additional 30 days to submit a status report regarding service of process or to voluntarily dismiss this action without prejudice, as AEG has demonstrated good cause as to why service of process has not been effected.

15. The difficulties of service of process abroad was understood by the Supreme Court of the United States when updating Federal Rule of Civil Procedure 4(m) governing the timing for service of process, which provides that “[t]his subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).”

WHEREFORE, Plaintiff, Associated Energy Group, LLC, respectfully requests that the Court does not dismiss this action for failure to perfect service at this time, allow AEG 30 days

to submit a status report regarding service of process or to voluntarily dismiss this action without prejudice, and grant such other and further relief as to this Court may seem just and proper.

DATED: November 21, 2024

Respectfully submitted,

DUANE MORRIS LLP

/s/ Harold E. Patricoff

Harold E. Patricoff

Florida Bar No. 508357

Priscila Bandeira

Florida Bar No. 1015229

201 S. Biscayne Blvd., Suite 3400

Miami, FL 33131

Tel: 305.960.2200

Fax: 305.960.2201

HEPatricoff@duanemorris.com

PBandeira@duanemorris.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21th day of November, 2024, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF on all parties of record.

/s/ Harold E Patricoff
Harold E. Patricoff