

**Gongqingcheng Panhui Inv. Mgt. Partnership (Ltd.)
v Zhu**

2026 NY Slip Op 30130(U)

January 9, 2026

Supreme Court, New York County

Docket Number: Index No. 653028/2023

Judge: Ashlee Crawford

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ASHLEE CRAWFORD

PART 38

Justice

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INDEX NO. 653028/2023

GONGQINGCHENG PANHUI INVESTMENT
MANAGEMENT PARTNERSHIP (LIMITED
PARTNERSHIP),

MOTION SEQ. NO. 003

Plaintiff,

- v -

**DECISION + ORDER ON
MOTION**

JIMAN ZHU and LIHUI BAI,

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 47, 48

were read on this motion to/for

EXTEND - TIME

Upon the foregoing documents, it is

Plaintiff moves pursuant to CPLR 306-b to extend the time to serve defendants with the summons and complaint in the People’s Republic of China (PRC) through the Hague Convention; and pursuant to CPLR 308 (5) to serve the defendants via counsel for non-parties Yu Heng International Investments Corporation (“Yu Heng Corp.”) and Yihua Zhu (together, the “Non-Parties”). The Non-Parties partially oppose only to the extent that plaintiff seeks to serve defendants through the Non-Parties’ counsel.

Plaintiff commenced this action to recognize and enforce a foreign country money judgment entered on May 19, 2020, by the Supreme People’s Court of the People’s Republic of China. The Non-Parties appeared in this action for the limited purpose of moving for a protective order and to quash a subpoena (mot. seq. 002).

DISCUSSION

CPLR § 306-b mandates that service of the summons and complaint be made within 120 days after an action is commenced, and that, upon motion, the time for service may be extended “upon good cause shown or in the interest of justice” (CPLR § 306-b; see Leader v Maroney, Ponzini & Spencer, 97 NY2d 95, 104-106 [2001]; Henneberry v Borstein, 91 AD3d 493, 495 [1st Dept 2012]).

To prevail under CPLR 308 (5), plaintiff must show that service of process upon defendant pursuant to CPLR 308 (1), (2), or (4) is impracticable, and that service by the proposed alternate means is reasonably calculated under the circumstances to apprise defendant of the action (NMR E-Tailing LLC v Oak Investment Partners, 216 AD3d 572, 572 [1st Dept 2023]; Dixon v New York City Health and Hospitals Corp., 222 AD3d 553, 554 [1st Dept 2023]; Fontanez v PV Holding Corp., 182 AD3d 423, 423 [1st Dept 2020]; CPLR 308 [5]). “A showing of impracticability under CPLR § 308 (5) does not require proof of actual prior attempts to serve a party under the methods outlined pursuant to Subdivisions (1), (2), or (4) of CPLR § 308” (Franklin v Winard, 189 AD2d 717, 717 [1st Dept 1993]).

Plaintiff’s counsel states that during their first attempt to serve defendants through the Hague Convention, plaintiff was informed by the PRC Central Authority that defendants “could not be located” at the address provided and that “[d]efendants’ relatives refused to provide information about the [defendants]” (Wu Aff. ¶¶ 5-6 [NYSCEF Doc. 34]). Thereafter, on January 3, 2024, plaintiff located a new address for defendants and initiated new Hague service with the PRC Central Authority (Wu Aff. ¶ 7 [NYSCEF Doc. 34]). As of March 8, 2024, “the PRC Central Authority has accepted the commencement documents and passed them to the SPC. No further updates have been provided” (Wu Aff. ¶ 7 [NYSCEF Doc. 34]).

Plaintiff further contends that impracticability of service on defendants is demonstrated by plaintiff's efforts, the lack of cooperation from defendants' relatives, and the uncertainty of successful service of process through the Hague Convention at the new address due to defendants being "billionaires with vast resources [who] could easily move" (Memo of Law at 7 [NYSCEF Doc. 33]). Plaintiff argues that the proposed alternative service is reasonably calculated to inform defendants of the action, because defendant Zhu is the sole director and a signatory of non-party Yu Heng Corp., and non-party Yihua Zhu is defendants' child (Wu Aff. ¶¶ 8-9; Yu Heng Corp. documents [NYSCEF Doc. 35]).

In partial opposition, the Non-Parties argue that plaintiff has not shown that traditional service is futile or impracticable, or that alternative service through counsel for the Non-Parties is reasonably calculated to apprise defendants of the action.

Plaintiff replies that the Non-Parties do not have standing to oppose its motion and that further attempts to serve defendants through the Hague Convention are impracticable. To the extent the Non-Parties point out that plaintiff's request is for alternative service on non-party Yihua's counsel rather than Yihua himself, plaintiff offers to serve defendants through service on Yihua Zhu, by service on both Yihua Zhu's counsel in addition to mailing a copy of the pleadings to Yihua Zhu's California home address (Reply Br. at 6 [NYSCEF Doc. 43]).

Plaintiff has shown good cause for the delay in service and that the interests of justice merit the requested extension of time to serve defendants. However, plaintiff has not demonstrated upon the present record that service through the PRC Central Authority is impracticable, since service is being attempted at a new address (see Mut. Benefits Offshore Fund v Zeltser, 140 AD3d 444, 446 [1st Dept 2016]; see Kyoko Yamamoto v Hidehiko Yamamoto, 43 AD3d 372, 373 [1st Dept 2007]; cf. Fontanez v PV Holding Corp., 182 AD3d

423, 423 [1st Dept 2020][alternate service was proper where plaintiff did not have defendant's correct address and attempts to serve through the Chinese Central Authority in accordance with the Hague convention would be futile]; Franklin v Winard, 189 AD2d 717 [1st Dept 1993][impracticable standard met where plaintiff's efforts to obtain defendant's current residence or place of abode were ineffectual]).

Accordingly, it is hereby

ORDERED that that part of plaintiff's motion to extend the time to serve process on defendants Jiman Zhu and Lihui Bai is GRANTED; and it is further

ORDERED that that part of plaintiff's motion for leave to serve defendants by alternative means is DENIED without prejudice; and it is further

ORDERED that plaintiff shall serve the summons and amended complaint on defendants within 120 days from the date of entry of this order.

This constitutes the decision and order of the Court.

1/9/2026

DATE



ASHLEE CRAWFORD, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE