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Where's Shaq? Lawyers for FTX Investors Struggle to Serve Him Papers

The brouhaha includes a squabble over whether legal documents tossed at the basketball legend's SUV mean he was properly served

By [Joseph De Avila](#)

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Shaquille O'Neal, the 7-foot-1-inch NBA Hall of Famer turned actor, sports analyst and entertainer, is all over TV and has millions of social-media followers. He is one of the most recognizable people on the planet.

There's one group of people who's had trouble finding Shaq, and that is the process servers hired to formally notify him he's being sued.

O'Neal is one of several celebrities named in a proposed class-action lawsuit filed by FTX investors against the collapsed cryptocurrency exchange and the stars who appeared in its advertisements. The other celebrity defendants, including Tom Brady, Gisele Bündchen, Larry David, Naomi Osaka and Steph Curry didn't contest their service of process.

In that regard, they were layups compared with O'Neal.

Lawyers for the plaintiffs say they have tried to serve O'Neal at his homes and studio and tossed the legal papers at his fast-breaking SUV. They say he's dodging them.



Shaq

"In 30 years, I've never had to deal with this situation," said Adam Moskowitz, one of the lawyers representing the FTX investors. "We are not going away."

In a document filed in federal court in Florida, O’Neal rejects the suggestion he is dodging anyone. Instead, the filing says the plaintiffs haven’t properly served O’Neal despite “months and multiple tries.”

As far as the tossed papers, it says O’Neal simply “drove past the strangers lurking outside his home.”

Asked for comment, an attorney for O’Neal referred a reporter to the court filings.

In [an interview with CNBC](#) in December, O’Neal distanced himself from FTX. “A lot of people think I’m involved, but I was just a paid spokesperson for a commercial,” he said. (The other celebrity defendants have also contested the claims against them, and asked the judge to dismiss the lawsuit.)

Being properly served in a lawsuit generally requires an authorized person to deliver a paper copy of the summons and the complaint to the individual personally.

Virtually no one is happy to see a process server—in the movie “Pineapple Express,” actor Seth Rogen plays a server who keeps a trunkful of disguises. Job postings for the profession often recommend surveillance skills and the fortitude to spend a lot of time in the car.



Seth Rogen in Pineapple Express

PHOTO: COLUMBIA PICTURES/EVERETT COLLECTION

People sometimes bolt or hide when a process server approaches, said Steve Polak, owner of Sunset Blvd. Investigations, which does the task. Celebrities might ride in shuttles or limos provided by movie studios to avoid being spotted in their own cars, he said, and some wear hats, glasses, fake beards and fake hair.

“They try to avoid spotlight, but they can’t because they’re public figures,” Polak said. “Eventually they’re going to come out, and they’re going to be at an event, and we’re going to be there, too.”

Brian Ricks, owner of process-serving company Undisputed Legal, once learned an entertainer he needed to serve would be performing at Carnegie Hall in New York.

“He was on stage practicing,” Ricks said. “Walked up and served him.”

The actress Olivia Wilde was served custody papers on stage at a convention last year. Her representative didn’t respond to a request for comment.

Kristin Falkner, a process server with Clark County Process Service in Las Vegas, said she knocked herself out attempting to serve boxer Floyd Mayweather Jr., a fighter famous for his skilled defense, in a [separate crypto-related lawsuit](#).



Olivia Wilde was served legal papers during a presentation at CinemaCon 2022 at Caesars Palace in Las Vegas
PHOTO: VALERIE MACON/AGENCE FRANCE-PRESSE/GETTY IMAGES

She visited his mansion in Las Vegas more than half a dozen times but he didn't answer, said Falkner. She tried the gym where he trains; his entourage kept her out. She looked for him at the roller skating rink he owns, but had no luck there either. Finally, Mayweather's lawyer got in touch with her client to accept the lawsuit on his behalf, she said. "I never even made contact with him."

Representatives for Mayweather didn't respond to a request for comment.

The legal team suing O'Neal filed court papers describing all their attempts to reach the star at his homes in Texas and Georgia, including at his former wife's home.

They asked the judge if they could serve O'Neal by direct message over Twitter and Instagram. The judge blocked that attempt and called the request "frivolous."

At one point last month, the lawyers tweeted at O'Neal: "We have been standing outside your TNT studios in Atlanta all week, but your security guards will not let us in."

A few days later, the process servers thought they had gotten lucky, according to affidavits filed in court.

During a "drive by spot check," they saw O'Neal leaving his gated home in McDonough, Ga., in a black SUV, according to court papers. The two process servers double-teamed O'Neal. They parked on either side of the residential gate and approached the SUV with papers.

One of them claims to have called O'Neal's name, and both state they held up legal documents.

The Moskowitz Law Firm
@moskowitzesq · [Follow](#)



[@NBAonTNT](#) For [@SHAQ](#) O'Neal: We represent thousands of FTX victims who lost their savings in the massive FTX fraud. We have been standing outside your TNT studios in Atlanta all week, but your security guards will not let us in, to just hand deliver our legal complaint.

2:16 AM · Apr 14, 2023



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O’Neal allegedly rolled around one processor and drove down the lane. One of the process servers tried to throw the paperwork at O’Neal’s accelerating car, according to court filings. The documents fluttered to the ground.

Photos the process servers submitted to court show the backside of an SUV headed down a country road, and clipped white papers lying in the street.

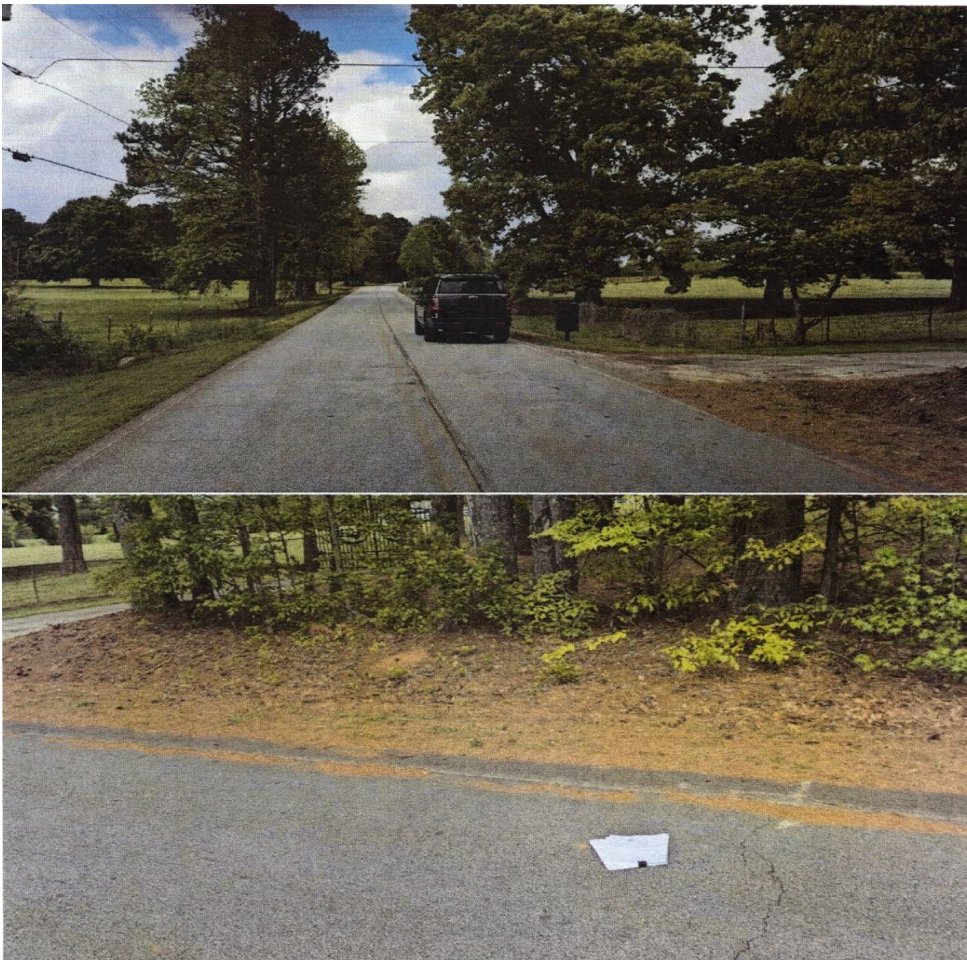
Attorneys for the plaintiffs touted on Twitter: “UPDATE: Plaintiffs in the billion \$ FTX class action case just served [@SHAQ](#) outside his house.”

Attorneys for O’Neal last week disputed that claim. They asked the judge to dismiss the case against their client, and argued the process servers didn’t identify themselves and that papers thrown at a moving car run flagrantly afoul of the legal requirements for serving a summons.

“Mr. O’Neal has not evaded service by failing to be at the residences where Plaintiffs belatedly attempted service or by driving past strangers who approached his car,” the lawyers wrote. “The Court should quash service and dismiss the claims against him.”

The judge on Monday denied O’Neal’s motion to dismiss as moot after accepting an amended complaint from the plaintiffs. O’Neal, however, can file a new motion to dismiss and can continue to challenge whether he was properly served.

If a person can’t be located or is in hiding, judges can extend deadlines for serving the papers. A judge may even allow for alternative service options. Depending on the state, these can include posting a summons and complaint to the door of a house or publishing a notification of the lawsuit—such as in a newspaper.



Photographs filed in federal court along with an affidavit from a process server who said he tossed paperwork at O’Neal’s SUV and then watched the car drive off.

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