UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ATTORNEY MANUAL FOR SERVICE OF PROCESS ON A FOREIGN DEFENDANT

(Pursuant to FRCP 4 and the Foreign Sovereign Immunities Act)

(Amended: April 2009)

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INFORMATION AND INSTRUCTIONS FOR SERVICE OF PROCESS ON A FOREIGN DEFENDANT

I. INTRODUCTION

A. PURPOSE:

1. The purpose of this manual is to document the procedures for attempting service of the summons and complaint upon:

   a. an **individual in a foreign state**, pursuant to Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure (FRCP); or

   b. a **foreign state or a political subdivision of a foreign state**, pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3); or

   c. a **foreign state or a political subdivision of a foreign state** through diplomatic channels via the U.S. Department of State, pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(4); or

   d. an **agency or instrumentality of a foreign state**, pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(b)(3)(B).

B. BACKGROUND INFORMATION**:

1. FRCP 4(f)(2)(C)(ii) - Service upon an **individual in a foreign state**:

   a. Unless otherwise provided by federal law, service upon an individual from whom a waiver has not been obtained and filed, other than an infant or incompetent person, may be effected in a place not within any judicial district or the U.S., by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court **to the party to be served**.

2. FRCP 4(j)(1) - Service upon **foreign governments**:

   a. Service upon a foreign state or a political subdivision, agency, or instrumentality thereof shall be effected pursuant to 28 U.S.C. § 1608.

**This information was compiled by the Clerk's Office with help from the U.S. Department of State and other resources. If there is any question as to the validity of this information, the attorney is advised to rely on their own knowledge and/or translation of the law.

3. FRCP 12(a)(1) - Answer deadline for an **individual in a foreign state**:

   a. Unless a different time is prescribed in a Statute of the United States, a defendant shall serve an answer within **20 days** after being served with the summons and complaint; or if service of the summons has been timely waived under FRCP 4(d), within 90 days after the date when the request for waiver was sent if the defendant was addressed outside any judicial district of the United States.

4. 28 U.S.C. § 1608(a)(3) - Service upon a **foreign state or political subdivision**:

   a. If service cannot be made under 28 U.S.C. § 1608(a)(1) or (a)(2), service is effected by sending a copy of the summons, complaint, and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court **to the head of the ministry of foreign affairs**.

5. 28 U.S.C. § 1608(a)(4) - Service upon **a foreign state, or political subdivision of a foreign state** through diplomatic channels **via the U.S. Department of State**:

   a. If service cannot be made within thirty (30) days under 28 U.S.C. § 1608(a)(3), service is effected by sending two (2) copies of the summons, complaint, and notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court **to the Director of Overseas Citizens Services, U.S. Department of State**.

   b. As of June 2002, the Department of State charges the plaintiff $650.00 for this service. The Clerk's Office does not have to worry about the payment ourselves, but we should be aware of this information to pass along to attorneys when necessary.

6. 28 U.S.C. § 1608(b)(3)(B) - Service upon an **agency or instrumentality of a foreign state**:

   a. If service cannot be made under 28 U.S.C. § 1608(b)(1) or (b)(2), and if reasonably calculated to give actual notice, service is effected by sending a copy of the summons and complaint, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court **to the agency or instrumentality to be served**.

7. 28 U.S.C. § 1608(b)(3)© - Other means of service:

   a. Under this statute, service can be effected as directed by order of the court consistent with the law of the place where service is to be made.

8. 28 U.S.C. § 1608(c)(1) and (c)(2) - Date of service:

   a. In the case of service under 28 U.S.C. § 1608(a)(4), service is deemed to have been made as of the date of transmittal indicated in the certified copy of the diplomatic note.

   b. In any other case under 28 U.S.C. § 1608, service is deemed to have been made as of the date of receipt indicated in the certification, signed and returned postal receipt, or other proof of service applicable to the method of service employed.

9. 28 U.S.C. § 1608(d) - Answer deadline for **a foreign state or political subdivision thereof, or an agency or instrumentality of a foreign state**

   a. In any action brought in a court of the United States or of a State, **a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state** shall serve an answer or other responsive pleading to the complaint within **sixty (60) days** after service has been made under this section.

10. 28 U.S.C. § 1608(e) - Default Judgment:

   a. No judgment by default shall be entered by a court of the United States or of a State against a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state, unless the claimant establishes his claim or right to relief by evidence satisfactory to the court. A copy of any such default judgment shall be sent to a foreign state or political subdivision in the manner prescribed for service under 28 U.S.C. § 1608.

11. The Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters:

   a. The Hague Convention on Service Abroad sets out the means by which judicial or extrajudicial documents are to be transmitted abroad in order to be served. The Convention only applies as between States Parties (see Section 11.b. below) and has three fundamental objectives: *(Source: www.hcch.net)*

      (1) To simplify the method of transmission of documents to be served from the country of origin to the country of destination;
      (2) To establish a system which insures, in so far as possible, that a recipient is given actual notice of the document served in sufficient time to enable him or her to arrange for a defense; and
      (3) To assist in proving that service was validly effected in the country of destination, by means of the certificates contained in a standard form.

   b. As of January 1, 2006, the following 52 States were parties to this Convention: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belarus, Belgium, Botswana, Bulgaria, Canada, China (principal territory), China - Special Administrative Regions of Hong Kong and Macao, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malawi, Mexico, Netherlands, Norway, Pakistan, Poland, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Seychelles, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, USA, and Venezuela. *(Source: www.hcch.net)*

   c. If a foreign state which is a party to the Hague Convention formally objected to service by mail when it acceded to the Convention, **service under Section 1608(a)(3) should not be attempted**. The plaintiff should proceed to service under Section 1608(a)(4), citing in the cover letter to the Department of State (Office of Overseas Citizens Services) the foreign state's objection to service by mail as noted in its accession to the Hague Service Convention. (See Section 11.e., page 4). *(Source: www.travel.state.gov)*

d. For the purposes of definition, service by mail refers to both that of the U.S. Postal Service (i.e. registered mail) and private courier services (i.e. DHL).

e. The following is a list of countries that objected to service by mail upon accession to the Hague Convention: *(Source: www.hcch.net)*

(1) Argentina
(2) Bulgaria
(3) China (People's Republic of)
(4) Czech Republic
(5) Egypt
(6) Germany
(7) Greece
(8) Hungary
(9) Japan*
(10) South Korea**
(11) Kuwait
(12) Lithuania
(13) Mexico
(14) Norway
(15) Poland
(16) Russian Federation
(17) San Marino
(18) Seychelles
(19) Slovak Republic
(20) Sri Lanka
(21) Switzerland
(22) Turkey
(23) Ukraine
(24) Venezuela

* Japan did not object to the provisions of Article 10(a) of the Convention on accession. However, subsequently, Japan provided a clarification of its position on the subject. While Japan does not formally object to service by postal channels, it may not recognize the method of service when enforcement of a foreign (U.S.) judgment is attempted. *(Source: U.S. Department of State's 7 FAM 950, Service of Process Abroad)*

** Only South Korea is a party to the Convention and has objected to service by mail. North Korea is not a party to the Convention and we therefore have no indication that they object to service by mail. Mail service should not be attempted on the North Korean Mission to the United Nations (the service provisions of the FSIA do not provide for mail service on diplomatic missions in the U.S.). In addition, the diplomatic channel (28 U.S.C. § 1608(a)(4)) is not available for service on North Korea.

f. **A Special Note:** The countries of **Iran** and **Iraq** have not objected to service by mail. However, many attempts at service by mail or courier are unsuccessful. Therefore, it is okay for an attorney to request service directly through diplomatic channels (28 U.S.C. § 1608(a)(4)) without attempting service under any other provisions first.

g. For the most up-to-date information, please see the following internet links:

a. U.S. Department of State's Foreign Affairs Manual (7 FAM 950 Service of Process Abroad): http://foia.state.gov/regs/fams.asp?level=2&id=8&fam=0

b. U.S. Department of State's Judicial Assistance; Service of Process Abroad: http://travel.state.gov/law/info/judicial/judicial_2513.html

c. Hague Conference on Private International Law: http://www.hcch.net/index_en.php?act=conventions.status&cid=17

12. U.S. Department of State, Overseas Citizens Services, Office of Policy Review and Interagency Liaison:

a. The U.S. Department of State, Overseas Citizens Services (formerly Special Consular Services), Office of Policy Review and Interagency Liaison is responsible for service under the Foreign Sovereign Immunities Act (FSIA) via the diplomatic channel in accordance with 28 U.S.C. § 1608(a)(4) and implementing regulations. *(Source: www.travel.state.gov)*

b. The defendant to be served by the Department of State must be a **foreign state or political subdivision only**, as defined in Section 1603 of the FSIA **(Attachment D)**, not an agency or instrumentality of a foreign state (which is to be served under Section 1608(b) of the FSIA). The Department of State does not serve **natural persons** under the FSIA. *(Source: www.travel.state.gov)*

c. The FSIA allows for service under Section 1608(a)(4) **only after 30 days have passed** since service was attempted under Section 1608(a)(3). The U.S. Postal Service and private courier services can deliver documents to virtually any location. Plaintiffs should attempt service under Section 1608(a)(3) unless a foreign state has specifically objected to service by mail. (See Section 9.e., page 4). *(Source: www.travel.state.gov)*

13. Foreign Sovereign Immunities Act of 1976:

a. The Foreign Sovereign Immunities Act of 1976 (FSIA) limits the role of the Executive branch in suits against foreign governments and governmental entities by precluding the Department of State from making decisions on state immunity. Under the U.S. legal system, the scope of a foreign state's immunity is determined by judicial, rather than executive, authorities. A party to a lawsuit, including a foreign state or its agency or instrumentality, is required to present defenses such as sovereign immunity directly to the court in which the case is pending. The immunity of a State from the jurisdiction of courts from another State is an undisputed principle of customary international law. However, there are general exceptions to the jurisdictional immunity of a foreign state. *(Source: www.travel.state.gov)*

14. Service Hierarchy:

a. The FSIA, 28 U.S.C. § 1608(a)(1)-(4) provides for service of process on foreign state defendants in a four-step, hierarchical manner: *(Source: www.travel.state.gov)*

(1) pursuant to a special agreement between the plaintiff and the foreign state (28 U.S.C. § 1608(a)(1));

(2) as prescribed in an applicable international agreement (28 U.S.C. § 1608(a)(2));

(3) via mail from the court clerk to the head of the foreign state's Ministry of Foreign Affairs (28 U.S.C. § 1608(a)(3));

(4) via the diplomatic channel (28 U.S.C. § 1608(a)(4)).

b. Service must be performed in a hierarchical manner – if service cannot be made in accordance with Section 1608(a)(1), then service is attempted pursuant to Section 1608(a)(2) and so forth until the various methods are exhausted. *(Source: www.travel.state.gov)*

Sources:

1. Checklist for Plaintiffs-Service of Process Upon a Foreign State. 14 Aug. 2003. U.S. Department of State. <http://travel.state.gov/law/info/judicial/judicial_685.html>
2. Service Provisions of the Foreign Sovereign Immunities Act (FSIA), 28 USC 1608. No date available. U.S. Department of State. <http://travel.state.gov/law/info/judicial/judicial_693.html>
3. 7 FAM 950 Service of Process Abroad. 26 Jan. 2006. U.S. Department of State. <http://foia.state.gov/regs/fams.asp?level=2&id=8&fam=0>
4. Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. 3 June 2006. <http://www.hcch.net/index_en.php?act=conventions.status&cid=17>

A Special Note of Thanks To: William P. Fritzlen, Attorney Advisor, Office of Policy Review and Interagency Liaison, U. S. Department of State, for his wealth of knowledge and willingness to help clarify the extensive background information in this manual.

II. PROCEDURES FOR SERVICE OF PROCESS UNDER FRCP 4(f)(2)(C)(ii)

A. DOCKET THE AFFIDAVIT REQUESTING FOREIGN MAILING

1. Fill out the *Affidavit Requesting Foreign Mailing*.

   a. Counsel should request service of process on a foreign entity by filling out the *Affidavit Requesting Foreign Mailing* **(Attachment A)**, which can be found on the Court's website: http://www.dcd.uscourts.gov/general-forms.html.
      (1) Be sure to select the correct mailing method, as well as the appropriate provision being requested. In this case, select **FRCP 4(f)(2)(C)(ii)**.
      (2) The affidavit may be electronically signed as "/s/[NAME]."

   b. If you feel a more detailed explanation should be made as part of the request, you may draft a letter or some other form of pleading and attach it to the *Affidavit Requesting Foreign Mailing* as an exhibit.

2. Docket the *Affidavit Requesting Foreign Mailing*.

   a. Scan or convert the *Affidavit Requesting Foreign Mailing*, including the letter and/or other exhibits, to Portable Document Format (PDF).

   b. Docket the *Affidavit Requesting Foreign Mailing* in the Case Management/Electronic Case Filing (ECF) system.
      (1) Select the event "Affidavit for Foreign Mailing" found under **Other Documents** on the ECF civil docketing menu.
      (2) Enter the case number and click SUBMIT.
      (3) BROWSE for the PDF document you are filing.
         (a) If you do not have any further attachments to your filing, click SUBMIT.
         (b) If you have an attachment to your filing, click in the "Yes" radial button next to "Attachments to Document." Then click SUBMIT and follow the instructions on the next screen.
      (4) Select the FILER and click SUBMIT.
      (5) The next screen will ask "Should the document you are filing link to another document in this case?" Do not check the box next to this question. Just click SUBMIT.
      (6) At the edit text screen, the text should read "AFFIDAVIT REQUESTING FOREIGN MAILING by [Plaintiff]." Click SUBMIT to complete the entry and receive the *Notice of Electronic Filing* **(Attachment B)**.

B. SUBMIT DOCUMENTS TO THE CLERK'S OFFICE

1. The attorney is responsible for submitting all necessary documents and/or mailing materials to the Clerk's Office in paper form.

   a. Materials needed for service by **registered mail**:
      (1) One (1) copy of the *Affidavit Requesting Foreign Mailing* (including letter and/or other exhibits, if applicable).
      (2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the *Affidavit Requesting Foreign Mailing*.

(3) One (1) copy of the *Return of Service Unexecuted* (if applicable and if not previously filed on the docket).

(4) One (1) copy of the summons and complaint for each defendant (as well as any additional documents filed at the time the case was opened).

b. Materials needed for service by **DHL**:

(1) One (1) copy of the *Affidavit Requesting Foreign Mailing* (including letter and/or other exhibits, if applicable).

(2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the *Affidavit Requesting Foreign Mailing*.

(3) One (1) copy of the *Return of Service Unexecuted* (if applicable and if not previously filed on the docket).

(4) One (1) copy of the summons and complaint for each defendant (as well as any additional documents filed at the time the case was opened).

(5) One (1) DHL document envelope for each defendant.

(6) One (1) DHL International Shipment Waybill **(Attachment C)** for each defendant.

(a) The waybill should be blank except for the Payer Account Number. **Counsel must provide a DHL account number**. The Clerk's Office cannot be charged for the shipment.

(b) Be sure to provide the specified International Shipment Waybill. This waybill allows for shipments outside the United States. If a different waybill is used, DHL will not deliver outside the country.

C. MAIL PACKAGES

1. If service is to be attempted via registered mail, the attorney must take the package(s) to the Post Office. The Clerk's Office is not responsible for the cost of postage. A member of the Clerk's Office staff will call the attorney when the package(s) is ready to be picked up.

2. If service is being attempted via DHL, the package(s) will be picked up from the Clerk's Office by a DHL courier. A member of the Clerk's Office staff will call DHL to schedule a pick-up.

D. RETURN RECEIPT FOR REGISTERED MAIL TO THE CLERK'S OFFICE

1. Once you have taken the package(s) to the Post Office to be mailed, you must return the stamped *Receipt for Registered Mail* (PS Form 3806) **(Attachment D)** to the Clerk's Office for further processing.

2. If the package(s) was shipped via DHL, there is no further follow up by the attorney until proof of delivery can be made.

III. PROCEDURES FOR SERVICE UNDER 28 U.S.C. § 1608(a)(3)

A. DOCKET THE AFFIDAVIT REQUESTING FOREIGN MAILING

1. Fill out the *Affidavit Requesting Foreign Mailing*.

   a. Counsel should request service of process on a foreign entity by filling out the *Affidavit Requesting Foreign Mailing* **(Attachment A)**, which can be found on the Court's website: http://www.dcd.uscourts.gov/general-forms.html.
      (1) Be sure to select the correct mailing method, as well as the appropriate provision being requested. In this case, select **28 U.S.C. § 1608(a)(3)**.
      (2) The affidavit may be electronically signed as "/s/[NAME]."

   b. If you feel a more detailed explanation should be made as part of the request, you may draft a letter or some other form of pleading and attach it to the *Affidavit Requesting Foreign Mailing* as an exhibit.

2. Docket the *Affidavit Requesting Foreign Mailing*.

   a. Scan or convert the *Affidavit Requesting Foreign Mailing*, including the letter and/or other exhibits, to PDF Format.

   b. Docket the *Affidavit Requesting Foreign Mailing* in ECF.
      (1) Select the event "Affidavit for Foreign Mailing" found under **Other Documents** on the ECF civil docketing menu.
      (2) Enter the case number and click SUBMIT.
      (3) BROWSE for the PDF document you are filing.
         (a) If you do not have any further attachments to your filing, click SUBMIT.
         (b) If you have an attachment to your filing, click in the "Yes" radial button next to "Attachments to Document." Then click SUBMIT and follow the instructions on the next screen.
      (4) Select the FILER and click SUBMIT.
      (5) The next screen will ask "Should the document you are filing link to another document in this case?" Do not check the box next to this question. Just click SUBMIT.
      (6) At the edit text screen, the text should read "AFFIDAVIT REQUESTING FOREIGN MAILING by [Plaintiff]." Click SUBMIT to complete the entry and receive the *Notice of Electronic Filing* **(Attachment B)**.

B. SUBMIT DOCUMENTS TO THE CLERK'S OFFICE

1. The attorney is responsible for submitting all necessary documents and/or mailing materials to the Clerk's Office in paper form.

   a. Materials needed for service by **registered mail**:
      (1) One (1) copy of the *Affidavit Requesting Foreign Mailing* (including letter and/or other exhibits, if applicable).
      (2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the *Affidavit Requesting Foreign Mailing*.

(3) One (1) copy of the *Return of Service Unexecuted* (if applicable and if not previously filed on the docket).

(4) One (1) copy of the summons, complaint, notice of suit (as well as any additional documents filed at the time the case was opened), and translations of each for each addressee named in the request. Paper clip the sets together.

b. Materials needed for service by **DHL**:

(1) One (1) copy of the *Affidavit Requesting Foreign Mailing* (including letter and/or other exhibits, if applicable).

(2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the *Affidavit Requesting Foreign Mailing*.

(3) One (1) copy of the *Return of Service Unexecuted* (if applicable and if not previously filed on the docket).

(4) One (1) copy of the summons, complaint, notice of suit (as well as any additional documents filed at the time the case was opened), and translations of each for each addressee named in the request. Paper clip the sets together.

(5) One (1) DHL document envelope for each defendant.

(6) One (1) DHL International Shipment Waybill **(Attachment C)** for each defendant.

(a) The waybill should be blank except for the Payer Account Number. **Counsel must provide a DHL account number**. The Clerk's Office cannot be charged for the shipment.

(b) Be sure to provide the specified International Shipment Waybill. This waybill allows for shipments outside the United States. If a different waybill is used, DHL will not deliver outside the country.

C. MAIL PACKAGES

1. If service is to be attempted via registered mail, the attorney must take the package(s) to the Post Office. The Clerk's Office is not responsible for the cost of postage. A member of the Clerk's Office staff will call the attorney when the package(s) is ready to be picked up.

2. If service is being attempted via DHL, the package(s) will be picked up from the Clerk's Office by a DHL courier. A member of the Clerk's Office staff will call DHL to schedule a pick-up.

D. RETURN RECEIPT FOR REGISTERED MAIL TO THE CLERK'S OFFICE

1. Once you have taken the package(s) to the Post Office to be mailed, you must return the stamped *Receipt for Registered Mail* (PS Form 3806) **(Attachment D)** to the Clerk's Office for further processing.

2. If the package(s) was shipped via DHL, there is no further follow up by the attorney until proof of delivery can be made.

IV. PROCEDURES FOR SERVICE UNDER 28 U.S.C. § 1608(a)(4)

A. DOCKET THE REQUEST FOR SERVICE VIA DIPLOMATIC CHANNELS

1. Draft a request in the form of a letter.

   a. Counsel should request service of process on a foreign entity via diplomatic channels (through the U.S. Department of State) by drafting a letter to the Clerk of Court **(Attachment E)**.
      (1) Be sure to specify the appropriate provision being requested. In this case, **28 U.S.C. § 1608(a)(3)**.
      (2) Also include any additional details or exhibits as an explanation for the basis of the request.

2. Docket the request.

   a. Scan or convert the request, including any exhibits, to PDF Format.

   b. Docket the request in ECF.
      (1) Select the event "Affidavit for Foreign Mailing" found under **Other Documents** on the ECF civil docketing menu.
      (2) Enter the case number and click SUBMIT.
      (3) BROWSE for the PDF document you are filing.
         (a) If you do not have any further attachments to your filing, click SUBMIT.
         (b) If you have an attachment to your filing, click in the "Yes" radial button next to "Attachments to Document." Then click SUBMIT and follow the instructions on the next screen.
      (4) Select the FILER and click SUBMIT.
      (5) The next screen will ask "Should the document you are filing link to another document in this case?" Do not check the box next to this question. Just click SUBMIT.
      (6) At the edit text screen, the text should read "AFFIDAVIT REQUESTING FOREIGN MAILING by [Plaintiff]." Click SUBMIT to complete the entry and receive the *Notice of Electronic Filing* **(Attachment B)**.

B. SUBMIT DOCUMENTS TO THE CLERK'S OFFICE

1. The attorney is responsible for submitting all necessary documents and/or mailing materials to the Clerk's Office in paper form.

   a. Materials needed for service by **certified mail**:
      (1) One (1) copy of the letter requesting service (including exhibits, if applicable).
      (2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the letter.
      (3) Proof of service unexecuted under 28 U.S.C. § 1608(a)(3), or other explanation/law as to why service should be attempted through the U.S. Department of State.
      (4) Two (2) copies each of the summons, complaint, notice of suit (as well as any additional documents filed at the time the case was opened), and translations of each for each defendant. Paper clip the sets together.

2. The U.S. Department of State requires a $735.00 fee for service through diplomatic channels. Do not submit the check with your other documents. You will have a chance to insert the check in the envelope/package before mailing it.

C. MAIL PACKAGE(S)

1. For service attempted via certified mail, the attorney must take the package(s) to the Post Office. The Clerk's Office is not responsible for the cost of postage. Someone from the Clerk's Office will call the attorney when the package(s) is ready to be picked up. **NOTE:** Be sure to insert a check for $735.00 for payment to the Department of State in the envelope before sealing.

D. RETURN CERTIFIED MAIL RECEIPT TO THE CLERK"S OFFICE

1. Once you have taken the package(s) to the Post Office to be mailed, you must return the stamped *Certified Mail Receipt* (PS Form 3800) **(Attachment F)** to the Clerk's Office for further processing.

V. PROCEDURES FOR SERVICE UNDER 28 U.S.C. § 1608(b)(3)(B)

A. DOCKET THE AFFIDAVIT REQUESTING FOREIGN MAILING

1. Fill out the *Affidavit Requesting Foreign Mailing*.

   a. Counsel should request service of process on a foreign entity by filling out the *Affidavit Requesting Foreign Mailing* **(Attachment A)**, which can be found on the Court's website: http://www.dcd.uscourts.gov/general-forms.html.
      (1) Be sure to select the correct mailing method, as well as the appropriate provision being requested. In this case, select **28 U.S.C. § 1608(b)(3)(B)**.
      (2) The affidavit may be electronically signed as "/s/[NAME]."

   b. If you feel a more detailed explanation should be made as part of the request, you may draft a letter or some other form of pleading and attach it to the *Affidavit Requesting Foreign Mailing* as an exhibit.

2. Docket the *Affidavit Requesting Foreign Mailing*.

   a. Scan or convert the *Affidavit Requesting Foreign Mailing*, including the letter and/or other exhibits, to PDF Format.

   b. Docket the *Affidavit Requesting Foreign Mailing* in ECF.
      (1) Select the event "Affidavit for Foreign Mailing" found under **Other Documents** on the ECF civil docketing menu.
      (2) Enter the case number and click SUBMIT.
      (3) BROWSE for the PDF document you are filing.
         (a) If you do not have any further attachments to your filing, click SUBMIT.
         (b) If you have an attachment to your filing, click in the "Yes" radial button next to "Attachments to Document." Then click SUBMIT and follow the instructions on the next screen.
      (4) Select the FILER and click SUBMIT.
      (5) The next screen will ask "Should the document you are filing link to another document in this case?" Do not check the box next to this question. Just click SUBMIT.
      (6) At the edit text screen, the text should read "AFFIDAVIT REQUESTING FOREIGN MAILING by [Plaintiff]." Click SUBMIT to complete the entry and receive the *Notice of Electronic Filing* **(Attachment B)**.

B. SUBMIT DOCUMENTS TO THE CLERK'S OFFICE

1. The attorney is responsible for submitting all necessary documents and/or mailing materials to the Clerk's Office in paper form.

   a. Materials needed for service by **registered mail**:
      (1) One (1) copy of the *Affidavit Requesting Foreign Mailing* (including letter and/or other exhibits, if applicable).
      (2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the *Affidavit Requesting Foreign Mailing*.

(3) One (1) copy of the *Return of Service Unexecuted* (if applicable and if not previously filed on the docket).

(4) One (1) copy of the summons and complaint (as well as any additional documents filed at the time the case was opened), and translations of each for each addressee named in the request. Paper clip the sets together.

b. Materials needed for service by **DHL**:

(1) One (1) copy of the *Affidavit Requesting Foreign Mailing* (including letter and/or other exhibits, if applicable).

(2) One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the *Affidavit Requesting Foreign Mailing*.

(3) One (1) copy of the *Return of Service Unexecuted* (if applicable and if not previously filed on the docket).

(4) One (1) copy of the summons and complaint (as well as any additional documents filed at the time the case was opened), and translations of each for each addressee named in the request. Paper clip the sets together.

(5) One (1) DHL document envelope for each defendant.

(6) One (1) DHL International Shipment Waybill **(Attachment C)** for each defendant.

(a) The waybill should be blank except for the Payer Account Number. **Counsel must provide a DHL account number**. The Clerk's Office cannot be charged for the shipment.

(b) Be sure to provide the specified International Shipment Waybill. This waybill allows for shipments outside the United States. If a different waybill is used, DHL will not deliver outside the country.

C. MAIL PACKAGES

1. If service is to be attempted via registered mail, the attorney must take the package(s) to the Post Office. The Clerk's Office is not responsible for the cost of postage. A member of the Clerk's Office staff will call the attorney when the package(s) is ready to be picked up.

2. If service is being attempted via DHL, the package(s) will be picked up from the Clerk's Office by a DHL courier. A member of the Clerk's Office staff will call DHL to schedule a pick-up.

D. RETURN RECEIPT FOR REGISTERED MAIL TO THE CLERK'S OFFICE

1. Once you have taken the package(s) to the Post Office to be mailed, you must return the stamped *Receipt for Registered Mail* (PS Form 3806) **(Attachment D)** to the Clerk's Office for further processing.

2. If the package(s) was shipped via DHL, there is no further follow up by the attorney until proof of delivery can be made.

VI. RETURNS OF SERVICE

A. RETURN OF SERVICE EXECUTED

1. There are three possible returns of service **executed**:

   a. A signed affidavit or executed summons **(Attachment G)**. In addition, the U.S. Postal Service (USPS) or DHL tracking information and delivery confirmation **(Attachment H)** can be included as an exhibit to the affidavit or executed summons. These documents should be submitted to the Clerk's Office for proper filing.

   b. The returned and executed (signed) pink registered mail receipt, PS Form 2865 *Return Receipt for International Mail* **(Attachment I)**. The Clerk's Office receives the return receipt directly and will process it accordingly.

   c. A package from the U.S. Department of State which contains a cover letter explaining that service was executed **(Attachment J)** through diplomatic channels. The Clerk's Office receives this package directly from the U.S. Department of State and will process it accordingly.

B. RETURN OF SERVICE UNEXECUTED

1. There are three possible returns of service **unexecuted**:

   a. A signed affidavit or unexecuted summons **(Attachment K)**. In addition, the U.S. Postal Service (USPS) or DHL tracking information **(Attachment L)** can be included as an exhibit to the affidavit or unexecuted summons. These documents should be submitted to the Clerk's Office for proper filing.

   b. The entire package returned undelivered **(Attachment M)**. The Clerk's Office receives this package directly and will process it accordingly.

   c. A package from the U.S. Department of State which contains a cover letter explaining that service was unexecuted **(Attachment N)**. The Clerk's Office receives this package directly from the U.S. Department of State and will process it accordingly.

VII. OTHER DOCUMENTS SERVED ON FOREIGN DEFENDANTS

A. DEFAULTS

1. A default **(Attachment O)** can be entered against foreign defendants, assuming the summons and complaint have been returned executed, and the answer deadline has passed.

   a. Remember, **a foreign state**, **a political subdivision thereof**, **or an agency or instrumentality of a foreign state** shall have **60 days** to answer the complaint. An **individual in a foreign state** has **20 days** to answer the complaint.

2. A default should be served in the same manner of hierarchy as described previously by FRCP 4(2)(f)(C)(ii), 28 U.S.C. § 1608(a)(3) and 28 U.S.C. § 1608(b)(3)(B). If that attempt fails, proceed to diplomatic channels pursuant to 28 U.S.C. § 1608(a)(4).

B. JUDGMENTS/DEFAULT JUDGMENTS

1. A judgment or default judgment **(Attachment P)** may be entered by the court against a foreign defendant(s). The judge may request that the judgment be served upon the defendant(s) and should state specifically which rule to follow.

2. A judgment or default judgment should be served following the same methods as described previously by FRCP 4(2)(f)(C)(ii), 28 U.S.C. § 1608(a)(3), 28 U.S.C. § 1608(b)(3)(B), or 28 U.S.C. § 1608(a)(4), depending on which rule the judge specifies.

C. ORDERS

1. An order **(Attachment Q)** may be entered by the court at any time during a case. The judge may request that the order be served upon the defendant(s) and should state specifically which rule to follow.

2. An order should be served following the same methods as described previously by FRCP 4(2)(f)(C)(ii), 28 U.S.C. § 1608(a)(3), 28 U.S.C. § 1608(b)(3)(B), or 28 U.S.C. § 1608(a)(4), depending on which rule the judge specifies.

VIII. LIST OF ATTACHMENTS

A. Affidavit Requesting Foreign Mailing (Form CO 226)

B. Notice of Electronic Filing

C. DHL International Shipment Waybill

D. PS Form 3806 Receipt for Registered Mail

E. Letter Requesting Service Pursuant to 28 U.S.C. § 1608(a)(4)

F. PS Form 3800 Certified Mail Receipt

G. Affidavit of Service Executed

H. DHL Tracking Information (Service Executed)

I. Returned and Executed PS Form 2865, Return Receipt for International Mail

J. Cover Letter from Department of State (Service Executed)

K. Affidavit of Service Unexecuted

L. USPS Tracking Information (Service Unexecuted)

M. Copy of Front of Undelivered Package (Service Unexecuted)

N. Cover Letter from Department of State (Service Unexecuted)

O. Default

P. Default Judgment

Q. Order

APPENDIX: Foreign Mailing Checklist

ATTACHMENT A

CO 226
Rev. 4/06

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____
Plaintiff(s)

vs. Civil Action No.: _____

_____
Defendant(s)

AFFIDAVIT REQUESTING FOREIGN MAILING

I, the undersigned, counsel of record for plaintiff(s), hereby request that the Clerk mail a copy of the summons and complaint (and notice of suit, where applicable) to (list name(s) and address(es) of defendants):_____
_____
_____
_____
_____
_____

by: (check one)
- ❑ registered mail, return receipt requested
- ❑ DHL

pursuant to the provisions of: (check one)
- ❑ FRCP 4(f)(2)(C)(ii)
- ❑ 28 U.S.C. § 1608(a)(3)
- ❑ 28 U.S.C. § 1608(b)(3)(B)

I certify that this method of service is authorized by the domestic law of (name of country): _____ _____, and that I obtained this information by contacting the Overseas Citizens Services, U.S. Department of State.

_____
(Signature)

_____
_____
_____
_____
_____
(Name and Address)

ATTACHMENT B

MIME-Version:1.0
From:DCD_ECFNotice@dcd.uscourts.gov
To:DCD_ECFNotice@dcd.uscourts.gov
Bcc:RCL_ECF@dcd.uscourts.gov,bleibowitz@pop.net,robert_elliotte@dcd.uscourts.gov
Message-Id:<1285139@dcd.uscourts.gov>
Subject:Activity in Case 1:02-cv-02148-RCL GREENBAUM, et al v. ISLAMIC REPUBLIC, et al "Affidavit for Default"
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was received from Leibowitz, Barry entered on 12/1/2006 at 4:23 PM EDT and filed on 12/1/2006

Case Name: GREENBAUM, et al v. ISLAMIC REPUBLIC, et al
Case Number: 1:02-cv-2148
Filer: STEVEN M. GREENBAUM
ALAN D. HAYMAN
SHIRLEE HAYMAN
WARNING: CASE CLOSED on 08/31/2006
Document Number: 33

Docket Text:
AFFIDAVIT REQUESTING FOREIGN MAILING *of the notice of default judgment, judgment, and findings of fact and conclusion of law with translations thereof* by STEVEN M. GREENBAUM, ALAN D. HAYMAN, SHIRLEE HAYMAN. (Leibowitz, Barry)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:E:\L&B\MAIN FILES\LIT 3257\Pleadings\Aff requesting Foreign Mailing 12.01.06.pdf
Electronic document Stamp:
[STAMP dcecfStamp_ID=973800458 [Date=12/1/2006] [FileNumber=1285137-0] [34dd0f52379e079370ee3a45c3d650701ae1b66d37f0620562f469f340ca363e3817 24360248a31a2c219f7ccb215e867c6ad4df43480f3d211e619d3a14ec32]]

1:02-cv-2148 Notice will be electronically mailed to:

Barry L. Leibowitz bleibowitz@pop.net,

1:02-cv-2148 Notice will be delivered by other means to:

ATTACHMENT C

International Shipment Waybill

Process and Track your shipment online: http://www.dhl.com

1-800-CALL-DHL in USA only

INTERNATIONAL SHIPMENT WAYBILL

788 3134 372

ORIGIN | DESTINATION CODE

1 Payer account number and shipment value protection details

Charge to ☐ Shipper ☐ Receiver ☐ 3rd Party

☐ Cash ☐ Check ☐ Credit Card

Payer Account No.

Shipment Value Protection *(see reverse)*

☐ Yes *Declared Value for Carriage (in US $)*

Not all payment options are available in all countries.

2 From (Shipper)

Shipper's Account Number | Contact Name

Shipper's Reference *(up to 35 characters)*

Company Name

Address

Post/ZIP Code (required) | Phone, Fax, or E-mail (required)

3 To (Receiver)

Company Name

Contact Person

Delivery Address *DHL Cannot Deliver to a PO Box*

Country

Post/ZIP Code (required) | Phone, Fax, or E-mail (required)

788313437 2

4 Shipment Details

Total number of packages	Total Weight If DHL Express Document packaging used, enter XD.	Dimensions *(in inches)* Pieces	Length	Width	Height
	lbs	@	x	x	
		@	x	x	
		@	x	x	

5 Full Description of Contents

Give Content and Quantity

6 Dutiable Shipments Only (Customs requirement)

Attach the original and four copies of a Proforma or Commercial Invoice.

Export License No./Symbol (if applicable) | Receiver's VAT/GST or Shipper's EIN/SSN

Declared Value for Customs (in US $) *(as on commercial/proforma invoice)* | *Schedule B Number / Harmonized Code (if applicable)*

AES TRANSACTION NUMBER | TYPE OF EXPORT ☐ Permanent ☐ Repair/Return ☐ Temporary

Destination Duties/Taxes If left blank, Receiver pays duties/taxes.

☐ Receiver ☐ Shipper ☐ Other *Specify additional payment method*

The commodities, technology or software to be exported from the U.S. are in compliance with the U.S. Bureau of Export Administration. Diversion to countries contrary to U.S. law prohibited.

7 Shipper's Authorization (signature required)

I/we agree that DHL's standard terms apply to this shipment and limit DHL's liability for loss or damage to U.S. $100. The Warsaw Convention may also apply (see reverse). I/we authorize DHL to complete other documents necessary to export this shipment. I/we understand that Shipment Value Protection is available on request, for an extra charge. I/we agree to pay all charges if the recipient or 3rd party refuses to pay. I/we understand that DHL DOES NOT TRANSPORT CASH.

Signature (required) Date / /

8 Products & Services

Not all products or service options are available from all locations.

☐ International Express Envelope

☐ Non-Dutiable (International Document Service)

☐ Dutiable (Worldwide Priority Express)

☐ Other

Service Options *(extra charges may apply)*

☐ Saturday Delivery ☐ Special Pickup

☐ Delivery Notification ☐ Signature Required

Other

Global Mail

☐ Int. Priority ☐ Int. Standard ☐ IPA ☐ ISAL

☐ Dom. Priority ☐ Dom. Standard

Other

DIMENSIONAL WEIGHT

DIMENSIONS	CHARGE

Complete sections 1-8. You are making 4 copies, please press hard.

DHL EXPRESS (USA), INC.

RECEIPT FOR
REGISTERED MAIL
(PS FORM 3806)

ATTACHMENT D

Registered No.
TRACKING NUMBER

Date Stamp

To Be Completed By Post Office

Reg. Fee $	Special Delivery $
Handling Charge $	Return Receipt $
Postage $	Restricted Delivery $
Received by	

Customer Must Declare Full Value $

☐ **With Postal Insurance**
☐ **Without Postal Insurance**

Domestic Insurance Is Limited To $25,000; International Indemnity Is Limited *(See Reverse)*

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed

FROM ADDRESS OF THE CLERK'S OFFICE

TO ADDRESS OF DEFENDANT/ADDRESSEE

PS Form **3806,**
February 1995

Receipt for Registered Mail *(Customer Copy)*
(See Information on Reverse)

ATTACHMENT E

RECEIVED
JAN 11 2006
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

WASHINGTON
NEW YORK
SAN FRANCISCO
LONDON
BRUSSELS

MARNEY L. CHEEK
TEL 202.662.5267
FAX 202.778.5267
MCHEEK@COV.COM

January 11, 2006

VIA HAND DELIVERY

Office of the Clerk
Attn: Ms. Davis
United States District Court
for the District of Columbia
United States Courthouse
333 Constitution Avenue, N.W.
Washington, DC 20001

Re: Request for Service of Process on Defendant Russian Federation in *Allen et al. v. Russian Federation et al.*, Civil Action No. 1:05-02077 (CKK)

Dear Ms. Davis:

In connection with the above-caption case, we are writing to request that you take all necessary steps, pursuant to 28 U.S.C. § 1608(a)(4), to effect service in this matter on Defendant Russian Federation. We previously wrote to you on November 16, 2005, requesting that service be effected through your office pursuant to 28 U.S.C. § 1608(a)(3). In our prior correspondence, we noted that service could not be made pursuant to 28 U.S.C. §§ 1608(a)(1) and 1608(a)(2).[1] Therefore, pursuant to 28 U.S.C. § 1608(a)(3), you dispatched a copy of the summons and complaint and a notice of the suit, together with a translation of each into Russian (the official language of the Russian Federation), to Defendant Russian Federation on December 6, 2005.

To date, no response has been received from Defendant Russian Federation. Because service was not effected within 30 days under 28 U.S.C. § 1608(a)(3), I now request that the

[1] *See* Docket No. 7, Correspondence from Plaintiffs at 1, Allen et al. v. Russian Federation et al., No. 1:05-02077 (CKK) (Nov. 16, 2005) (noting that no special arrangement for service exists between Plaintiffs and Defendant Russian Federation under 28 U.S.C. § 1608(a)(1), and that service cannot be made pursuant to the applicable international convention on service of judicial documents under 28 U.S.C. § 1608(a)(2) because the Russian Federation currently is not applying the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in relation to the United States).

COVINGTON & BURLING

Office of the Clerk
January 11, 2006
Page 2

Clerk dispatch the alternative means of service provided for under 28 U.S.C. § 1608(a)(4), which applies when "service cannot be made within 30 days" under 28 U.S.C. § 1608(a)(3).

In such circumstances, pursuant to 28 U.S.C. § 1608(a)(4), the Clerk of Court shall send two copies of the summons and complaint and a notice of suit, together with a translation of each (in this case a Russian translation), "by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the Secretary of State in Washington, District of Columbia, to the attention of the Director of Special Consular Services [.]" The Secretary of State shall then take steps to effect service through diplomatic channels.

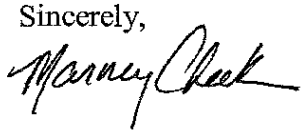
Pursuant to 28 U.S.C. § 1608(a)(4), I have enclosed: (1) two copies of the Complaint; (2) two copies of the summons; (3) two copies of the Notice of Suit (attached to each of which is a copy of the Foreign Sovereign Immunities Act); and (4) two copies of each document translated into Russian, the official language of the Russian Federation.

Please take the necessary steps to dispatch these materials to effect service on Defendant Russian Federation pursuant to 28 U.S.C. § 1608(a)(4). I spoke with Mr. William Fritzlen in the Department of State's Overseas Citizens Services office, who recommends using the following address when dispatching the above documents to the Director of Special Consular Services:

U.S. Department of State
Overseas Citizens Services
Director of Special Consular Services
Attention: Mr. William Fritzlen
SA-29, 4th Floor
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

Due to delays with regular mail delivery at the Department of State as a result of anthrax screening, we would request that the documents be mailed by Federal Express to the above address. If you would prefer to prepare the appropriate materials and return them to us to handle the actual mailing to the Department of State and payment of mailing expenses, please contact me at (202) 662-5267 when the materials are ready and I will arrange to have them picked up. Thank you for your assistance in this matter.

Sincerely,



Marney L. Cheek

Enclosures

ATTACHMENT F

CERTIFIED MAIL RECEIPT AND TRACKING LABEL (PS FORM 3800)

7002 0860 0000 7772 7511

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To

Street, Apt. No.; or PO Box No.

City, State, ZIP+ 4

PS Form 3800, April 2002 See Reverse for Instructions

ATTACHMENT G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RIZWAN KHALIQ, et al.
Plaintiffs

v.

Civil No.1:04CV01536
Judge John D. Bates

REPUBLIC OF SUDAN, et al.
Defendants

RETURN OF SERVICE

I HEREBY CERTIFY that on October 27, 2004 I served a copy of the summons and complaint and all attachments on The Iranian Ministry of Information and Security, by mailing the aforesaid documents to the said entity by DHL shipping on October 22, 2004 to: The Iranian Ministry of Information and Ssecuirty, Pasduran Avenue, Golestan Yekom, Tehran, Iran. A copy of the Tracking receipt from DHL is attached.

I declare under penalty of perjury under the laws of the United States that the foregoing information is true and correct.

Jane Carol Norman, #384030
700 5th St. N.W. #200
Washington, DC 20001
(202) 682-4100

FILED
JAN 31 2005
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Date: 01/04/2005

TRACKING RESULTS: SUMMARY

Click on any listed tracking number to view a complete shipment report including status u shipper and receiver, and shipment detail.

TRACKING #	PICKUP DATE STATUS DATE/TIME	ORIG/DEST CUR STN	SIGNED FOR BY CUR STATUS	SENDER NAME RECEIVER NAME
8607261596	10/22/04 10/26/04 9:16 am	CBE/ THR	SECRETARI Shipment delivered.	HOJJATOLESLAN
8607261600	10/22/04 10/27/04 10:30 am	CBE/ THR	HASHEMI Shipment delivered.	ALI YOUNESI

- Tracking detail provided by DHL: 1/3/2005, 1:53:03 pm pt.
- For assistance, please contact us.
- You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to E use of DHL tracking systems and information is strictly prohibited.

ATTACHMENT H

TRACKING RESULTS: DETAIL

Tracking Number: 7762391556

Shipment Summary:

Current Status: Shipment delivered.
Delivered on: 11/21/04 11:10 am
Delivered to:
Signed for by: AMINI

Shipment History:

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
11/21/04	11:10 am	Shipment delivered.	Tehran, Iran
	8:24 am	With delivery courier.	Tehran, Iran
11/3/04	9:48 pm	Departing origin.	Dubai, United Arab Em
11/2/04	6:31 am	Arrived at DHL facility.	New York, NY
11/1/04	5:10 pm	Picked Up by DHL.	Public Drop Box

Shipper:

CA 90212
United States

Receiver:

THE ISLAMIC REVOL
Tehran
Ir

Shipment Detail:

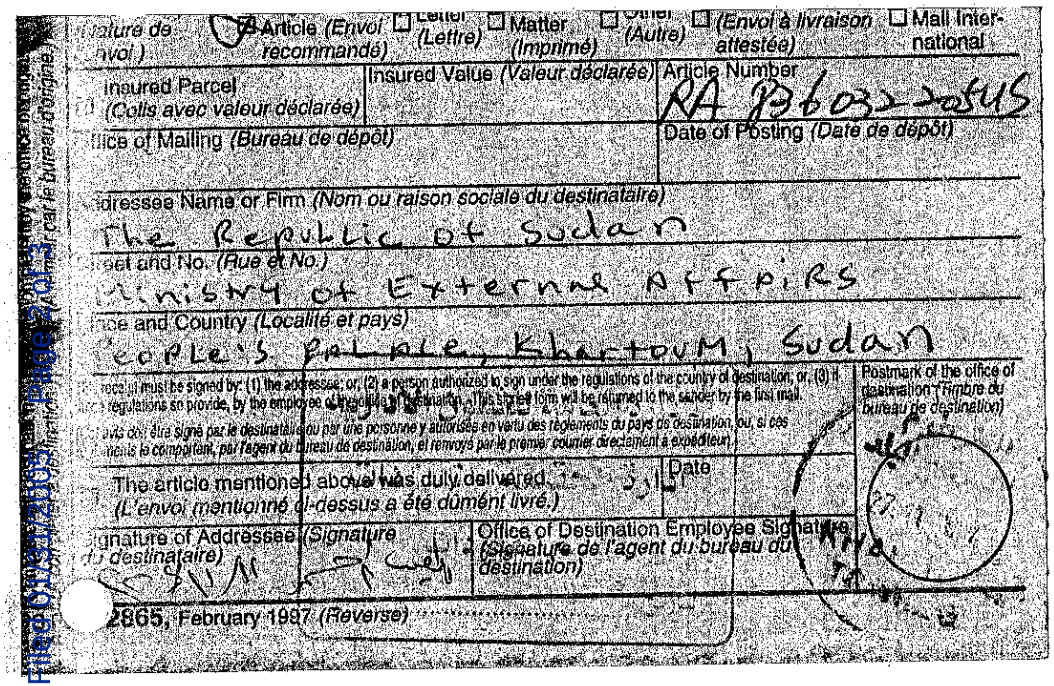
Service: Next Day AM
Special:
Weight:
Pieces:

Ship Type:
Description: DOC
Shipper's Reference:

New Search

- Tracking detail provided by DHL: 11/22/2004, 10:19:24 am pt.
- For assistance, please contact us.
- You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to D use of DHL tracking systems and information is strictly prohibited.

ATTACHMENT I



ature de
nvoi)

☑ Article (Envoi recommandé) ☐ Letter (Lettre) ☐ Matter (Imprimé) ☐ Other (Autre) ☐ (Envoi à livraison attestée) ☐ Mail International

Insured Parcel (Colis avec valeur déclarée)

Insured Value (Valeur déclarée)

Article Number RA 936032 20545

Office of Mailing (Bureau de dépôt)

Date of Posting (Date de dépôt)

Addressee Name or Firm (Nom ou raison sociale du destinataire)
The Republic of Sudan

Street and No. (Rue et No.)
Ministry of External Affairs

Place and Country (Localité et pays)
People's Palace, Khartoum, Sudan

This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if such regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail.
(Avis de réception doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyés par le premier courrier directement à l'expéditeur.)

Postmark of the office of destination (Timbre du bureau de destination)

The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)

Date

Signature of Addressee (Signature du destinataire)

Office of Destination Employee Signature (Signature de l'agent du bureau de destination)

2865, February 1997 (Reverse)

ATTACHMENT J

United States Department of State

Washington, D.C. 20520
May 2, 2003

Re: Beecham, et al. v. Socialist People's Libyan Arab Jamahiriya, et al., Civil Action No. 1:01CV02243 RWR

ECF

Dear Ms. Mayer-Whitttington:

I am writing regarding the Court's request for transmittal of a *Summons, Complaint* and *Notice of Suit* to the government of The Socialist People's Libyan Arab Jamahiriya (hereinafter, "Libya") pursuant to 28 U.S.C. Section 1608(a)(4) as a defendant in the referenced case.

The U.S. Department of State transmitted the *Summons, Complaint* and *Notice of Suit* to the American Embassy in Brussels, Belgium on Nov. 27, 2002. The Embassy transmitted the documents to the Belgian Ministry of Foreign Affairs and requested further transmission to the U.S. Interests Section of the Belgian Embassy in Tripoli and to the Libyan foreign ministry.

The U.S. Interests Section of the Belgian Embassy transmitted the documents to the Libyan General People's Committee for Foreign Liaison and International Cooperation on March 19, 2003 with diplomatic note no. 294. A certified copy of that diplomatic note and the accompanying court documents are enclosed. These documents are enclosed, herewith, in accordance with the procedures established for the implementation of the Foreign Sovereign Immunities Act.

Should you have any questions regarding this matter, please contact Mr. Luke P. Bellocchi, Attorney Adviser, in this office at (202) 312-9750 or at the above address.

Sincerely,

Edward A. Betancourt

Edward A. Betancourt
Director
Office of Policy Review and Interagency Liaison

CC: Mr. Thomas Fortune Fay, Esq.

Ms. Nancy Mayer-Whittington, Clerk,
United States District Court
Washington, DC

ATTACHMENT K

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT
District of Columbia

GHOLLAM NIKBIN
Plaintiff

V.

THE ISLAMIC REPUBLIC OF IRAN,
THE IRANIAN MINISTRY OF INTELLIGENCE
AND SECURITY,
THE ISLAMIC REVOLUTIONARY GUARD CORPS,
ALI AKBAR HASHEMI RAFSANJANI,
ALI AKBAR FALLAHIAN KHUZESTANI,
and DOES 1-10 inclusive
Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER: CASE NUMBER 1:04CV00008
JUDGE: John D. Bates
DECK TYPE: General Civil
DATE STAMP: 01/[redacted]/2004

TO: (Name and address of Defendant)

THE IRANIAN MINISTRY OF INTELLIGENCE AND SECURITY
Pasdaran Avenue
Golestam Yekom
Tehran, Iran

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

WILLIAM F. PEPPER
1003 K Street, N.W., Suite 640
Washington, D.C. 20001

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 24 2005

NANCY M. MAYER-WHITTINGTON
CLERK

(By) DEPUTY CLERK

DATE

دادگاه ناحیه ای ایالات متّحده امریکا
ناحیه کلمبیا

احضاریه دعوای مدنی

خواهان: غلام نیکبین

علیه خواندگان:

علی اکبر فلاحیان خوزستانی (شخصا)

جمهوری اسلامی ایران
وزارت امور خارجه
خیابان خمینی ، خیابان سازمان ملل
تهران، ایران

قانونا به شما اخطار میشود که شما موظفیددر طی شصت روز از تاریخ ابلاغ دادخواست بدون محاسبه روز ابلاغ دادخواست پاسخ وکیل خواهان را به نشانی

William F. Pepper
1003 K Street, N. W. , Suite 640
Washington, D.C. 20001, U. S. A

بدهید. چنانچه شما در طی مدّت مزبور از دادن پاسخ به دادخواست خود داری کنید بعلت قصور در پاسخ دادخواست حکم غیابی علیه شما بنفع خواهان صادر خواهد شد. پاسخ شما به دادخواست در طی مدّت مقرر بعد از ابلاغ دادخواست میبایستی در دفتر مدیر دادگاه به ثبت برسد .

مدیر دفتر دادگاه Nancy M. Mayer-Whittington
بتاریخ پنجم ژانویه سال ۲۰۰۴ میلادی

..... جانشین مدیر دفتر

تائید وصول ابلاغ دادخواست

دادخواست و احضاریه توسط من ابلاغ شد. تاریخ ابلاغ .....

نام و نام خانوادگی مامور ابلاغ ..... عنوان مامور ابلاغ.....

ATTACHMENT L

UNITED STATES POSTAL SERVICE

Track & Confirm

Shipment Details

You entered ER12 5480 844U S

Your item was delivered at 10:24 am on February 23, 2004 in WASHINGTON, DC 20001. The item was signed for by M HIGGINS.

Here is what happened earlier:

- ARRIVAL AT UNIT, February 23, 2004, 7:11 am, WASHINGTON, DC 20001
- ATTEMPTED DELIVERY ABROAD, CHINA PEOPLES REP, February 12, 2004, 11:13 am
- ATTEMPTED DELIVERY ABROAD, CHINA PEOPLES REP, February 11, 2004, 11:10 am
- ARRIVED ABROAD, CHINA PEOPLES REP, February 11, 2004, 1:00 am
- INTERNATIONAL DISPATCH, KENNEDY AMC, February 07, 2004, 10:44 am
- ENROUTE, February 07, 2004, 9:01 am, ZIP Code 11460
- ENROUTE, February 06, 2004, 5:19 pm, WASHINGTON, DC 20061
- ACCEPTANCE, February 06, 2004, 10:30 am, WASHINGTON, DC 20036

Track & Confirm

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Track & Confirm FAQs

Notification Options

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- **Request Proof of Delivery** What is this? Go>

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ATTACHMENT M

ATTACHMENT N

United States Department of State

Washington, D.C. 20520

July 20, 2005

Ms. Nancy Mayer-Whittingham
United States District Court
For the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Estate of Yael Botvin v. Islamic Republic of Iran
05-220

Dear Ms. Mayer-Whittingham:

I am writing regarding the Court's request for service of summonses, complaints and notices of suit pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. 1608(a)(4), upon defendants the Islamic Republic of Iran, the Iranian Ministry of Information and Security and the Iranian Revolutionary Guard Corps in the above mentioned lawsuits.

Because the United States does not maintain diplomatic relations with the government of Iran, the Department of State is assisted by the U.S. Interests Section of the Embassy of Switzerland in Teheran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic notes, numbers 1033-IE, 1034-IE and 1035-IE, dated June 22, 2005.

While the Iranian Ministry of Foreign Affairs returned the service documents to the Embassy of Switzerland, 28 U.S.C. 1608(c)(1) provides that service shall be deemed effective as of the date of transmittal indicated in the certified copy of the diplomatic note. We see no reason that the return of these documents should invalidate the effectiveness of service under 28 U.S.C. 1608(a)(4).

In accordance with the procedures established for the implementation of the Foreign Sovereign Immunities Act, I am enclosing copies of the documents transmitted as well as certified copies of the diplomatic notes used to transmit them to the Iranian Ministry of Foreign Affairs. For each defendant served this includes the authenticated certification of the Head of the U.S. Interests Section at the Swiss Embassy in Teheran and the certification of the Vice Consul of the U.S. Embassy in Bern.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 736-9115.

Sincerely,

William P. Fritzlen
Attorney Adviser
Office of Policy Review and Interagency Liaison

Enclosures As Stated

Cc: Tracy Reichman Kalik
Heideman, Lezell, Nudelman & Kalik, PC
1146 19th Street, NW
Fifth Floor
Washington, DC 20036

Default - Rule 55A (CO 40 Revised-DC 02/00)

ATTACHMENT O

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHAHINTAJ BAKHTIAR

Plaintiff(s)

Civil Action No. 02-cv-00092-HHK

v.

ISLAMIC REPUBLIC OF IRAN IRANIAN and
MINISTRY OF INFORMATION AND SECURITY

Defendant(s)

RE: ISLAMIC REPUBLIC OF IRAN IRANIAN and
MINISTRY OF INFORMATION AND SECURITY

DEFAULT

It appearing that the above-named defendant(s) failed to plead or otherwise defend this action though duly served with summons and copy of the complaint on May 23, 2005, and an affidavit on behalf of the plaintiff having been filed, it is this 10th day of March, 2006 declared that defendant(s) is/are in default.

NANCY MAYER-WHITTINGTON, Clerk

By: Laura Chipley
Deputy Clerk

ATTACHMENT P

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MFK CORPORATION, LTD., *et al.*,	)	
Plaintiffs,	)	**Civil Action No. 04-cv-0326 (RMC)**
v.	)	
THE REPUBLIC OF SUDAN, *et al.*,	)	
Defendants.	)	

DEFAULT JUDGMENT AND 30-DAY STAY

This matter being before this Court on the unopposed motion of Plaintiffs MFK Corporation, Ltd. and Yugoimport SDPR J.P. ("Plaintiffs") for entry of default judgment against Defendants the Republic of Sudan and the Bank of Sudan ("Defendants"), and it appearing that

Plaintiffs' Complaint was filed on February 27, 2004, and that

Service of process was effected on December 1, 2004 on Defendants via United States Department of State ("DOS") diplomatic pouch, pursuant to 28 U.S.C. § 1608 and as confirmed by letter to the Clerk of the Court from DOS dated December 10, 2004, and that

Neither Defendant has answered or otherwise responded to the Complaint, and that

On March 9, 2005, Plaintiffs filed a Motion for Summary Judgment, and that

Neither Defendant has opposed or otherwise responded to the Motion for Summary Judgment, and that

On June 16, 2005, this Court issued an Order to Show Cause, by July 16, 2005, why Plaintiffs' Motion for Summary Judgment should not be granted, and that

Neither Defendant responded to the July 16, 2005, Order to Show Cause, and that

On August 19, 2005, Plaintiffs filed an affidavit in support of entry of default, and that

On August 19, 2005, the Clerk of the Court entered a default judgment against Defendants, and that

On August 25, 2005, Plaintiffs filed a declaration of John Kamya, C.P.A., attesting to damages in the form of unpaid principal and interest in the amount of $72,589,454.06, and that

On August 30, 2005, Plaintiffs filed a Motion for an Order Directing the Clerk to Enter a Default Judgment in the amount of $72,589,454.06, and that

On October 14, 2005, this Court issued an Order to Show Cause, by November 14, 2005, why Plaintiffs' motion for default judgment should not be granted, and that

Neither Defendant has opposed or otherwise responded to Plaintiffs' Motion for an Order Directing the Clerk to Enter a Default Judgment, or to this Court's October 14, 2005, Order to Show Cause, and that

Neither Defendant has appeared in this action, or responded to any pleading, order, motion, or other filing, and that

Plaintiff has complied with Fed. R. Civ. P. 55(b).

Accordingly, it is, for good cause shown, this 28th day of November, 2005:

ORDERED that the Clerk be, and is hereby directed to enter a default judgment in the amount of $72,589,454.06 in favor of Plaintiffs and against Defendants the Republic of Sudan and the Bank of Sudan, jointly and severally, and it is

FURTHER ORDERED that, at Plaintiff's request, execution on the judgment shall be stayed for a period of thirty (30) days from the date of entry.

SO ORDERED.

/s/
ROSEMARY M. COLLYER
United States District Judge

Copy to:

Philip M. Musolino
Musolino & Dessel
1615 L Street, NW, Suite 440
Washington, DC 20036
pmusolino@musolinoanddessel.com

ATTACHMENT Q

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRAN HEISER and GARY HEISER, et al. Plaintiffs, v. THE ISLAMIC REPUBLIC OF IRAN, et al., Defendants.	Civil Action No. 00-2329 (TPJ)
MARIE CAMPBELL, et al. Plaintiffs, v. THE ISLAMIC REPUBLIC OF IRAN, et al., Defendants.	Civil Action No. 00-2104 (TPJ)

FILED
FEB 1 2002
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

Pursuant to Fed. R. Civ. P. 42(a), it appearing to this Court that these cases involve common questions of law or fact, and in accordance with the proceedings at the status conference of February 1, 2002, it is, this 1st day of February, 2002,

ORDERED, that these cases are consolidated; and it is

FURTHER ORDERED, that upon consideration of plaintiffs' Motion for Entry of Default and for a Status Conference in Civil Action No. 00-2329, and defendants' lack of opposition thereto, plaintiffs' motion [8] is granted in part and denied in part; and it is

FURTHER ORDERED, that the Clerk's Office enter default against defendants the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Islamic Revolutionary Guard Corps in Civil Action No. 00-2329; and it is

FURTHER ORDERED, that plaintiffs may arrange for this Order to be translated into Farsi and, at plaintiffs' request, the Clerk's Office shall cause a copy of the translated Order to be transmitted to the U.S. Department of State for service upon defendants through diplomatic channels; and it is

FURTHER ORDERED, that plaintiffs' request for a status conference is denied as moot.

Thomas Penfield Jackson
U.S. District Judge

APPENDIX

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SERVICE OF PROCESS ON A FOREIGN DEFENDANT CHECKLIST

I. SERVICE OF PROCESS UNDER FRCP 4(f)(2)(C)(ii)

- ☐ Docket the *Affidavit Requesting Foreign Mailing*.
- ☐ Submit documents to the Clerk's Office.
  - ☐ One (1) copy of the *Affidavit Requesting Foreign Mailing*.
  - ☐ One (1) copy of the *Notice of Electronic Filing*.
  - ☐ One (1) copy of the *Return of Service Unexecuted* (if applicable).
  - ☐ One (1) copy of the summons and complaint (as well as any additional documents filed at the time the case was opened) for each defendant.
  - ☐ One (1) DHL document envelope for each defendant (if applicable).
  - ☐ One (1) DHL International Shipment Waybill for each defendant (if applicable).
- ☐ Mail packages (if applicable).
- ☐ Return the Receipt for Registered Mail to the Clerk's Office (if applicable).

II. SERVICE OF PROCESS UNDER 28 U.S.C. § 1608(a)(3)

- ☐ Docket the *Affidavit Requesting Foreign Mailing*.
- ☐ Submit documents to the Clerk's Office.
  - ☐ One (1) copy of the *Affidavit Requesting Foreign Mailing*.
  - ☐ One (1) copy of the *Notice of Electronic Filing*.
  - ☐ One (1) copy of the *Return of Service Unexecuted* (if applicable).
  - ☐ One (1) copy of the summons, complaint, notice of suit (as well as any additional documents filed at the time the case was opened), and translations of each for each addressee named in the request.
  - ☐ One (1) DHL document envelope for each addressee.
  - ☐ One (1) DHL International Shipment Waybill for each addressee.
- ☐ Mail packages (if applicable).
- ☐ Return the Receipt for Registered Mail to the Clerk's Office (if applicable).

III. SERVICE OF PROCESS UNDER 28 U.S.C. § 1608(a)(4)

- ☐ Docket the request for service via the U. S. Department of State.

- ☐ Submit documents to the Clerk's Office.
  - ☐ One (1) copy of the letter requesting service (including exhibits, if applicable).
  - ☐ One (1) copy of the *Notice of Electronic Filing*, confirming the ECF filing of the letter.
  - ☐ Proof of service unexecuted under 28 U.S.C. § 1608(a)(3), or other explanation/law as to why service should be attempted through the U.S. Department of State.
  - ☐ Two (2) copies each of the summons, complaint, notice of suit (as well as any additional documents filed at the time the case was opened), and translations of each for each defendant.

- ☐ Mail packages.

- ☐ Return the Certified Mail Receipt to the Clerk's Office

IV. SERVICE OF PROCESS UNDER 28 U.S.C. § 1608(b)(3)(B)

- ☐ Docket the *Affidavit Requesting Foreign Mailing*.

- ☐ Submit documents to the Clerk's Office.
  - ☐ One (1) copy of the *Affidavit Requesting Foreign Mailing*.
  - ☐ One (1) copy of the *Notice of Electronic Filing*.
  - ☐ One (1) copy of the *Return of Service Unexecuted* (if applicable).
  - ☐ One (1) copy of the summons and complaint (as well as any additional documents filed at the time the case was opened), and translations of each for each addressee named in the request.

- ☐ Mail packages (if applicable).

- ☐ Return the Receipt for Registered Mail to the Clerk's Office (if applicable).