

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SERVICE OF PROCESS ON A FOREIGN DEFENDANT
CHECKLIST FOR ATTORNEYS

Updated: May 2022

I. SERVICE OF PROCESS UNDER FRCP 4(f)(2)(C)(ii) – individual in a foreign state

- Counsel docket the *Affidavit Requesting Foreign Mailing* **with request letter to the Clerk attached (if applicable)**. Be sure to print the affidavit to a non-fillable PDF before docketing.
- If sending documents to an embargoed country, counsel contacts DHL (1-800-CALL-DHL) to find out if the law firm/shipper (not the embargoed country) is on the approved shipper's list to send to an embargoed country. If this is not done, counsel will not be able to schedule a pick-up of the package(s).
 - If service cannot be attempted because of statute/convention or shipping restrictions, counsel docket a Notice explaining the circumstances that allows for skipping service under this rule and proceeding to the next rule.
- Counsel submits documents/materials to the Clerk's Office:
 - For registered mail, FedEx, and DHL:**
 - One (1) copy of the *Affidavit Requesting Foreign Mailing*.
 - One (1) copy of the cover letter requesting the foreign mailing.
 - One (1) copy of the *Notice of Electronic Filing* confirming the filing of the affidavit.
 - One (1) copy of the *Return of Service Unexecuted* (if previous service attempt was made).
 - 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.
 - For DHL (Note: The Clerk's Office does not have access to DHL supplies):**
 - One (1) DHL document envelope for each defendant.
 - One (1) DHL International Shipment Waybill addressed to each defendant.
 - Waybill is typed.
 - Waybill contains law firm address as sender and the law firm's DHL account number.
 - Indemnity letter is included (when applicable).
- Clerk's Office Staff reviews and seals package(s).
 - If for some reason, service cannot be effected under this rule, the Clerk's Office will make a notation on the docket, and counsel can proceed to the next rule.
- Counsel mails package(s) or schedules DHL pick up.
- Counsel returns the Receipt for Registered Mail to the Clerk's Office (if applicable).
- Counsel docket the Return of Service executed (or unexecuted) once delivery is confirmed:
 - Use the event *Summons Returned Executed as to Foreign State or Agency* (or *Summons Returned Unexecuted*) under Service of Process.

II. SERVICE OF PROCESS UNDER 28 U.S.C. § 1608(a)(3) – foreign state or political subdivision

- Counsel docket the *Affidavit Requesting Foreign Mailing* **with request letter to the Clerk attached**. Be sure to print the affidavit to a non-fillable PDF before docketing.
- If sending documents to an embargoed country, counsel contacts DHL (1-800-CALL-DHL) to find out if the law firm/shipper (not the embargoed country) is on the approved shipper's list to send to an embargoed country. If this is not done, counsel will not be able to schedule a pick-up of the package(s).
 - If service cannot be attempted because of statute/convention or shipping restrictions, counsel docket a Notice explaining the circumstances that allows for skipping service under this rule and proceeding to the next rule.
- Counsel submits documents/materials to the Clerk's Office:
 - **For registered mail, FedEx, and DHL:**
 - One (1) copy of the *Affidavit Requesting Foreign Mailing*.
 - One (1) copy of the cover letter requesting the foreign mailing.
 - One (1) copy of the *Notice of Electronic Filing* confirming the filing of the affidavit.
 - One (1) copy of the *Return of Service Unexecuted* (for previous attempt/statute).
 - 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.
 - **For DHL (Note: The Clerk's Office does not have access to DHL supplies):**
 - One (1) DHL document envelope for each defendant.
 - One (1) DHL International Shipment Waybill addressed to each defendant.
 - Waybill is typed.
 - Waybill contains law firm address as sender and the law firm's DHL account number.
 - Indemnity letter is included (when applicable).
- Clerk's Office Staff reviews and seals package(s).
 - If for some reason, service cannot be effected under this rule, the Clerk's Office will make a notation on the docket, and counsel can proceed to the next rule.
- Counsel mails package(s) or schedules DHL pick up.
- Counsel returns the Receipt for Registered Mail to the Clerk's Office (if applicable).
- Counsel docket the Return of Service executed (or unexecuted) once delivery is confirmed:
 - Use the event *Summons Returned Executed as to Foreign State or Agency* (or *Summons Returned Unexecuted*) under Service of Process.

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

- Service must first be attempted under FRCP 4, 28 U.S.C. § 1608(a)(3) or 28 U.S.C. § 1608(b)(3)(B).
 - If service cannot be attempted because of statute or convention, counsel docket a Notice explaining the circumstances that led to service by diplomatic channels.
- Counsel docket the *Affidavit Requesting Foreign Mailing* for service via the U. S. Department of State **with request letter to the Clerk attached**. Be sure to print the affidavit to a non-fillable PDF before docketing.
- Counsel submits documents and cashier's check 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 filing of the affidavit.
 - 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.
 - Include check for \$2,275.00 for payment of service fee to the U.S. Department of State.
 - **For FedEx:** One (1) shipping label addressed to the U.S. Department of State.
 - Label must include law firm's address as the sender and law firm's FedEx Account Number.
- Clerk's Office Staff reviews and seals package(s).
- Counsel mails package(s).
- Counsel returns the Certified Mail Receipt to the Clerk's Office.

IV. SERVICE OF PROCESS UNDER 28 U.S.C. § 1608(b)(3)(B) – agency or instrumentality of a foreign state

- Counsel docket the *Affidavit Requesting Foreign Mailing* **with request letter to Clerk attached**. Be sure to print the affidavit to a non-fillable PDF before docketing.
- If sending documents to an embargoed country, counsel contacts DHL (1-800-CALL-DHL) to find out if the law firm/shipper (not the embargoed country) is on the approved shipper's list to send to an embargoed country. If this is not done, counsel will not be able to schedule a pick-up of the package(s).
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 - One (1) copy of the *Notice of Electronic Filing* confirming the filing of the affidavit.
 - One (1) copy of the *Return of Service Unexecuted* (for previous attempt/statute).
 - 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.

- **For DHL (Note: The Clerk's Office does not have access to DHL supplies):**
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- Counsel mails package(s) or schedules DHL pick up.
- Counsel returns the Receipt for Registered Mail to the Clerk's Office (if applicable).
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V. SERVICE OF ORDERS, DEFAULTS, AND JUDGMENTS

- Follow same procedures and statutes as for summons and complaint.