

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SERVICE OF PROCESS ON A FOREIGN DEFENDANT
CHECKLISTS FOR ATTORNEYS

Updated: July 2024

I. SERVICE OF PROCESS IN GENERAL:

- Prior to submitting request for foreign mailing:
 - DHL:** 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).
 - Registered Mail:** Service by registered mail can only be achieved if counsel arranges for their office/staff to take the packages to the U.S. Post Office when ready, as the Clerk's Office is unable to perform this task; otherwise, proceed to service by FedEx or DHL.
 - 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 a rule and proceeding to the next rule.

II. 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.**
 - Print the affidavit to a non-fillable PDF before docketing.
- Counsel submits documents/materials to the Clerk's Office:
 - Documents:**
 - 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.
 - Materials for registered mail:**
 - One (1) *PS Form 2865 Return Receipt for International Mail*, for each addressee.
 - One (1) *Label 200*, for each addressee.
 - One (1) *PS Form 3806 Receipt for Registered Mail*, for each addressee.
 - One (1) *PS Form 2976 U.S. Customs Declaration and Dispatch Note* for each addressee **only** if the package will exceed one (1) pound.
 - Materials for FedEx:**
 - One (1) FedEx shipping label addressed to each defendant
 - Shipping label is electronic version; cannot be handwritten.
 - Shipping label contains law firm's address as sender and the law firm's FedEx account number.

- May also provide FedEx envelopes/boxes for each defendant but not required.
- **Materials 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 electronic version; cannot be handwritten.
 - 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.
- Packages are mailed/shipped:
 - **Registered Mail:** Counsel takes packages to the Post Office and returns the date stamped *Receipt for Registered Mail (PS Form 3806)* to the Clerk's Office.
 - **DHL:** Counsel schedules DHL pick up from the Clerk's Office.
 - **FedEx:** Clerk's Office Staff drops packages in the courthouse's FedEx Drop Box.
- 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)(3) – foreign state or political subdivision**

- Counsel docket the *Affidavit Requesting Foreign Mailing* **with request letter to the Clerk attached.**
 - Print the affidavit to a non-fillable PDF before docketing.
- Counsel submits documents/materials to the Clerk's Office:
 - **Documents:**
 - 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.
 - **Materials for registered mail:**
 - One (1) *PS Form 2865 Return Receipt for International Mail*, for each addressee.
 - One (1) *Label 200*, for each addressee.
 - One (1) *PS Form 3806 Receipt for Registered Mail*, for each addressee.
 - One (1) *PS Form 2976 U.S. Customs Declaration and Dispatch Note* for each addressee **only** if the package will exceed one (1) pound.
 - **Materials for FedEx:**
 - One (1) FedEx shipping label addressed to each defendant.
 - Shipping label is electronic version; cannot be handwritten.
 - Shipping label contains law firm's address as sender and the law firm's FedEx account number.

- May also provide FedEx envelopes/boxes for each defendant but not required.
- **Materials 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 electronic version; cannot be handwritten.
 - 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.
- Packages are mailed/shipped:
 - **Registered Mail:** Counsel takes packages to the Post Office and returns the date stamped *Receipt for Registered Mail (PS Form 3806)* to the Clerk’s Office.
 - **DHL:** Counsel schedules DHL pick up from the Clerk’s Office.
 - **FedEx:** Clerk’s Office Staff drops packages in the courthouse’s FedEx Drop Box.
- 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.

IV. 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 a check for \$2,275.00 for payment of service fee to the U.S. Department of State for each defendant.**
 - **Materials for Certified Mail:**
 - One (1) green certified mail card, *PS Form 3811 Domestic Return Receipt*.
 - One (1) green and white *PS Form 3800 Certified Mail Receipt and Tracking Number*.
 - **Materials for FedEx:** One (1) shipping label addressed to the U.S. Department of State.
 - Shipping label contains law firm’s address as the sender and law firm’s FedEx

Account Number.

- Clerk's Office Staff reviews and seals package(s).
- Packages are mailed/shipped:
 - Certified Mail:** Counsel takes packages to the Post Office and returns the date stamped *Certified Mail Receipt (PS Form 3800)* to the Clerk's Office.
 - FedEx:** Clerk's Office Staff drops packages in the courthouse's FedEx Drop Box.

V. 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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 - Documents:**
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 - 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.
 - Materials for registered mail:**
 - One (1) *PS Form 2865 Return Receipt for International Mail*, for each addressee.
 - One (1) *Label 200*, for each addressee.
 - One (1) *PS Form 3806 Receipt for Registered Mail*, for each addressee.
 - One (1) *PS Form 2976 U.S. Customs Declaration and Dispatch Note* for each addressee **only** if the package will exceed one (1) pound.
 - Materials for FedEx:**
 - One (1) FedEx shipping label addressed to each defendant.
 - Shipping label is electronic version; cannot be handwritten.
 - Shipping label contains law firm's address as sender and the law firm's FedEx account number.
 - May also provide FedEx envelopes/boxes for each defendant but not required.
 - Materials 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 label is electronic version; cannot be handwritten.
 - 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.
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VI. SERVICE OF ORDERS, DEFAULTS, AND JUDGMENTS

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