UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SERVICE OF PROCESS ON A FOREIGN DEFENDANT CHECKLISTS FOR ATTORNEYS

Updated: July 2024

I.	SFRVICE	OF PR	OCESS IN	GENERAL:
1.	JLIVVICE	UI I I	OCLJJ II4	OLIVEINAL.

		Prior to sub	omitting request for foreign mailing:
		□ DHI	L: If sending documents to an embargoed country, counsel contacts DHL (1-800-
		CAL	L-DHL) to find out if the <u>law firm/shipper</u> (not the embargoed country) is on the
		<u>app</u>	roved 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).
		□ Reg	sistered Mail: Service by registered mail can only be achieved if counsel arranges for
		thei	ir office/staff to take the packages to the U.S. Post Office when ready, as the Clerk's
		Offi	ce is unable to perform this task; otherwise, proceed to service by FedEx or DHL.
		□ If se	ervice cannot be attempted because of statute/convention or shipping restrictions,
		cou	nsel dockets a Notice explaining the circumstances that allows for skipping service
		und	ler a rule and proceeding to the next rule.
	6ED)		
II.	SERV	ICE OF PROCI	ESS UNDER FRCP 4(f)(2)(C)(ii) – individual in a foreign state:
		Counsal do	ckets the Affidavit Requesting Foreign Mailing with request letter to the Clerk
		attached.	ckets the Affidavit hequesting roleigh Maining with request letter to the clerk
			nt the affidavit to a non-fillable PDF before docketing.
			bmits documents/materials to the Clerk's Office:
	_		cuments:
			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 <i>Notice of Electronic Filing</i> 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.
		□ Mat	terials 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.
		□ Mat	terials 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.	
		Mate	erials fo	r 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	e Staff r	eviews and seals package(s).	
		If for	some r	eason, service cannot be effected under this rule, the Clerk's Office will	
		make	e a nota	tion on the docket, and counsel can proceed to the next rule.	
	Packa	iges are	e mailed	d/shipped:	
		Regis	stered N	Mail: Counsel takes packages to the Post Office and returns the date	
		stam	ped <i>Red</i>	ceipt for Registered Mail (PS Form 3806) to the Clerk's Office.	
		DHL:	Counse	el schedules DHL pick up from the Clerk's Office.	
		FedE	x: Clerk	's Office Staff drops packages in the courthouse's FedEx Drop Box.	
	Coun	sel doc	kets the	e Return of Service executed (or unexecuted) once delivery is confirmed:	
		Use t	he ever	nt Summons Returned Executed as to Foreign State or Agency (or Summon	าร
		Retui	rned Un	executed) under <u>Service of Process</u> .	
<u>SER\</u> □		sel doc		ER 28 U.S.C. § 1608(a)(3) – foreign state or political subdivision e Affidavit Requesting Foreign Mailing with request letter to the Clerk	
	Coun	sel doc hed .	kets the	-	
	Coun attac	sel doc hed . Print	kets the	e Affidavit Requesting Foreign Mailing with request letter to the Clerk	
	Coun attac	sel doc hed . Print sel subi	kets the	e Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office:	
	Coun attac Coun	sel doc hed . Print sel subi	kets the the affi mits do ments:	e Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office:	
	Coun attac Coun	sel doc hed. Print sel subi Docu	the affi mits doo ments: One	e Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office:	
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits doo ments: One (e Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing.	
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits doo ments: One (Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the	
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits doo ments: One (One (affida	Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the	e)
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits do i ments: One (One (affida One (e Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit.	-
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits do ments: One (One (affida One (Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut	na
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits do Iments: One (One (affida One (One (docu	Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition)	na
	Coun attac Coun	sel doc hed. Print sel sub Docu	the affi mits do one (One (one (one (docu each	Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for	na
	Coun attac □ Coun	sel doc hed. Print sel sub Docu	the affi mits doo ments: One (One (one (docu each	Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each fo addressee named in the request.	na r
	Coun attac □ Coun	sel doc hed. Print sel subi Docu	the affi mits doo one (One (One (docu each erials fo	Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. Tregistered mail:	na r
	Coun attac □ Coun	sel doc hed. Print sel sub Docu	the affi mits doo ments: One (One (affida One (docu each erials fo One (davit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. It registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addresse	na r
	Coun attac □ Coun	sel doc hed. Print sel sub Docu	the affi mits do One (One (One (one (one (one (one (one (one (one (davit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. In registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addressee (1) Label 200, for each addressee. (1) PS Form 3806 Receipt for Registered Mail, for each addressee. (1) PS Form 2976 U.S. Customs Declaration and Dispatch Note for each	na r
	Coun attac □ Coun	Mate	the affi mits doo one (One (one (docu each erials fo One (one (one (addre	davit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. Ir registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addressee (1) Label 200, for each addressee. (1) PS Form 3806 Receipt for Registered Mail, for each addressee. (1) PS Form 2976 U.S. Customs Declaration and Dispatch Note for each essee only if the package will exceed one (1) pound.	na r
	Coun attac □ Coun	Mate	the affi mits do One (One (davit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. In registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addressee (1) Label 200, for each addressee. (1) PS Form 3806 Receipt for Registered Mail, for each addressee. (1) PS Form 2976 U.S. Customs Declaration and Dispatch Note for each essee only if the package will exceed one (1) pound.	na r
	Coun attac Coun	Mate	the affi mits do One (One (davit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. In registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addresse (1) Label 200, for each addressee. (1) PS Form 3806 Receipt for Registered Mail, for each addressee. (1) PS Form 2976 U.S. Customs Declaration and Dispatch Note for each essee only if the package will exceed one (1) pound. In FedEx: (1) FedEx shipping label addressed to each defendant.	na r
	Coun attac Coun	Mate	the affi mits do One (One (Affidavit Requesting Foreign Mailing with request letter to the Clerk idavit to a non-fillable PDF before docketing. Cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. In registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addressee (1) Label 200, for each addressee. (1) PS Form 3806 Receipt for Registered Mail, for each addressee. (1) PS Form 2976 U.S. Customs Declaration and Dispatch Note for each essee only if the package will exceed one (1) pound. In FedEx: (1) FedEx shipping label addressed to each defendant. Shipping label is electronic version; cannot be handwritten.	na r e.
	Coun attac Coun	Mate	the affi mits doc ments: One (One (one (docu each erials fo One (one (davit to a non-fillable PDF before docketing. cuments/materials to the Clerk's Office: (1) copy of the Affidavit Requesting Foreign Mailing. (1) copy of the cover letter requesting the foreign mailing. (1) copy of the Notice of Electronic Filing confirming the filing of the avit. (1) copy of the Return of Service Unexecuted (for previous attempt/statut (1) copy of the summons, complaint, notice of suit (as well as any addition ments filed at the time the case was opened), and translations of each for addressee named in the request. In registered mail: (1) PS Form 2865 Return Receipt for International Mail, for each addresse (1) Label 200, for each addressee. (1) PS Form 3806 Receipt for Registered Mail, for each addressee. (1) PS Form 2976 U.S. Customs Declaration and Dispatch Note for each essee only if the package will exceed one (1) pound. In FedEx: (1) FedEx shipping label addressed to each defendant.	na r e.

		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.
	Packa	ges 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.
	Couns	el dockets 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.
<u>SERVI</u>	CE OF P	ROCESS UNDER 28 U.S.C. § 1608(a)(4) – diplomatic channels (DOS)
	Servic	e 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 dockets a
		Notice explaining the circumstances that led to service by diplomatic channels.
		el dockets the Affidavit Requesting Foreign Mailing for service via the U. S. Department of
		with request letter to the Clerk attached. Be sure to print the affidavit to a non-fillable
		efore docketing.
	Couns	el 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 <i>Notice of Electronic Filing</i> 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 <u>for each defendant</u> .
		Materials for Certified Mail:
		□ One (1) green certified mail card, <i>PS Form 3811 Domestic Return Receipt</i> .
		0 (4)
		□ One (1) green and white <i>PS Form 3800 Certified Mail Receipt and Tracking</i>
		Number.

IV.

			Account Number.				
	Cler	k's Office	e Staff reviews and seals package(s).				
	Pack	Packages are mailed/shipped:					
			fied Mail: Counsel takes packages to the Post Office and returns the date stamped <i>fied Mail Receipt (PS Form 3800)</i> to the Clerk's Office.				
		-	x: Clerk's Office Staff drops packages in the courthouse's FedEx Drop Box.				
<u>SER</u>	VICE OF	PROCES	SS UNDER 28 U.S.C. § 1608(b)(3)(B) – agency or instrumentality of a foreign state				
			kets the <i>Affidavit Requesting Foreign Mailing</i> with request letter to Clerk attached.				
_		· -	rint the affidavit to a non-fillable PDF before docketing.				
	out	if the <u>law</u>	ocuments to an embargoed country, counsel contacts DHL (1-800-CALL-DHL) to find v firm/shipper (not the embargoed country) is on the approved shipper's list to				
		<u>l to an ei</u> 1e packa§	mbargoed country. If this is not done, counsel will not be able to schedule a pick-up ge(s).				
		-	vice cannot be attempted because of statute/convention or shipping restrictions,				
			sel dockets a Notice explaining the circumstances that allows for skipping service				
		unde	r this rule and proceeding to the next rule.				
	Cou	nsel subr	mits documents/materials to the Clerk's Office:				
		Docu	ments:				
			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 <i>Notice of Electronic Filing</i> confirming the filing of the				
		_	affidavit.				
			One (1) copy of the <i>Return of Service Unexecuted</i> (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.				
		Mate	erials for registered mail:				
	Ш		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.				
		Mate	erials 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.				
		Mate	erials 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				

٧.

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 dockets 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.

VI. SERVICE OF ORDERS, DEFAULTS, AND JUDGMENTS

 $\hfill\Box$ Follow same procedures and statutes as for summons and complaint.