

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)

(Revised: December 2021)

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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. (Please note: Service by U.S. Postal Service is not permitted to Iran or Syria).**
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 July 13, 2010, the Department of State charges the plaintiff \$2,275.00 for this service.
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)(C) - 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 March 4, 2020, the following 76 countries (Members & Non-Members) were parties to this Convention: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bosnia & Herzegovina, Botswana, Brazil, Bulgaria, Canada, People's Republic of China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Netherlands, Nicaragua, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Moldova, Republic of North Macedonia, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom, United States, Venezuela and Vietnam. (*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), directing their the cover letter to the Department of State (Office of Overseas Citizens Services) and citing the foreign state's objection to service by mail. (Source: www.travel.state.gov)
- d. As of February 11, 2011, the following countries have objected to service by mail via postal channels under the Hague Convention: (Source: www.hcch.net)
- (1) Argentina
 - (2) Bulgaria
 - (3) China (People's Republic of)
 - (4) Croatia
 - (5) Czech Republic
 - (6) Egypt
 - (7) Germany
 - (8) Greece
 - (9) Hungary
 - (10) India
 - (11) Japan
 - (12) Korea (Republic of)
 - (13) Kuwait
 - (14) Lithuania
 - (15) Macedonia (Republic of)
 - (16) Mexico
 - (17) Monaco
 - (18) Norway
 - (19) Poland
 - (20) Russian Federation
 - (21) San Marino
 - (22) Serbia
 - (23) Slovakia
 - (24) Sri Lanka
 - (25) Switzerland
 - (26) Turkey
 - (27) Ukraine
 - (28) Venezuela

* For definitive information about countries objecting to service by mail, Article 10(a), see the Status Table of the Service Convention and review the reservations and declarations for each country. (<http://www.hcch.net>)

- f. For updated information, please see the following internet links:
 - a. U.S. Department of State's Foreign Affairs Manual (7 FAM 950 Service of Process Abroad):
<https://fam.state.gov/FAM/07FAM/07FAM0950.html>
 - b. U.S. Department of State's International Judicial Assistance:
<https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-asst.html>
 - c. Hague Conference on Private International Law:
<https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>
- 12. U.S. Department of State - Office of Legal Affairs, Overseas Citizens Services:
 - a. The U.S. Department of State's Office of Legal Affairs, Overseas Citizens Services (CA/OCS/L) 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. 25 Feb. 2020. U.S. Department of State.
<https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internl-judicial-asst/Service-of-Process/FSIA-Checklist.html>
2. Foreign Sovereign Immunities Act (FSIA), 28 USC 1608. No date available. U.S. Department of State.
<https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internl-judicial-asst/Service-of-Process/Foreign-Sovereign-Immunities-Act.html>
3. 7 FAM 950 Service of Process Abroad. 05 Dec. 2019. U.S. Department of State.
<https://fam.state.gov/FAM/07FAM/07FAM0950.html>
4. Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. 4 III 2020.
<https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>

A Special Note of Thanks to: William P. Fritzlen, Former 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: <https://www.dcd.uscourts.gov/general-civil-forms>.
 - (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) CHOOSE FILE and upload 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. Service by registered mail under this rule is not permitted as the Clerk's Office cannot dispatch packages to the U.S. Post Office. Please proceed to service by DHL (section b. below).
 - 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. (**Note:** The Clerk's Office does not have access to DHL supplies).
 - (6) One (1) DHL International Shipment Waybill (**Attachment C**) **filled out and addressed to each defendant**:
 - (a) The waybill must include the **law firm's address as the sender** and the **Payer Account Number. Counsel must provide a DHL account number.** The Clerk's Office cannot be charged for the shipment.
 - (b) The waybill **must be typed, not handwritten.**
 - (c) 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.

***PLEASE NOTE:** If sending documents to an embargoed country, contact 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 an embargoed country. If this is not done, the Clerk's Office will not be able to schedule a pick of the package(s).

C. MAIL PACKAGES

1. When service is being attempted via DHL, the package(s) will be picked up from the District Court's mailroom by a DHL courier. The attorney is responsible for calling DHL to schedule a pick-up.

D. RETURN PROOF OF DELIVERY TO THE CLERK'S OFFICE

1. Once the package(s) is delivered by DHL, file proof of service on the summons and complaint with the Clerk's Office using the event "Summons Returned Executed as to Foreign State or Agency" under **Service of Process** in ECF.

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: <https://www.dcd.uscourts.gov/general-civil-forms>.
 - (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) CHOOSE FILE and upload 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. Service by registered mail under this rule is not permitted as the Clerk's Office cannot dispatch packages to the U.S. Post Office. Please proceed to service by DHL (section b. below).
 - 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. (**Note:** The Clerk's Office does not have access to DHL supplies).
 - (6) One (1) DHL International Shipment Waybill (**Attachment C**) **filled out and addressed to each defendant**.
 - (a) The waybill must include the **law firm's address as the sender** and the **Payer Account Number**. **Counsel must provide a DHL account number**. The Clerk's Office cannot be charged for the shipment.
 - (b) The waybill **must be typed, not handwritten**.
 - (c) 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.

***PLEASE NOTE:** If sending documents to an embargoed country, contact 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 an embargoed country. If this is not done, the Clerk's Office will not be able to schedule a pick of the package(s).

C. MAIL PACKAGES

1. When service is being attempted via DHL, the package(s) will be picked up from the District Court's mailroom by a DHL courier. The attorney is responsible for calling DHL to schedule a pick-up.

D. RETURN PROOF OF DELIVERY TO THE CLERK'S OFFICE

1. Once the package(s) is delivered by DHL, file proof of service on the summons and complaint with the Clerk's Office using the event "Summons Returned Executed as to Foreign State or Agency" under **Service of Process** in ECF.

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)(4)**.
 - (2) Also include any additional details or exhibits as an explanation for the basis of the request.
 - b. For additional information, review the State Department's "FSIA Checklist":
<https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internal-judicial-asst/Service-of-Process/FSIA-Checklist.html>
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) CHOOSE FILE and upload 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.
- (5) **Envelope/package should be addressed to:**
CA/OCS/L, SA-17, 10th Floor
Washington, DC 20522-1710
Attn: FSIA

2. **The U.S. Department of State charges a \$2,275.00 fee for service through diplomatic channels.**

- a. The fee must be paid via cashier's check to the U.S. Department of State or the U.S. Embassy or Consulate involved. For example, checks for requests for service upon Iran or its political subdivisions should be made out to the "U.S. Embassy Bern."
- b. Do not submit the check with your other documents. You will have a chance to insert the check in the envelope/package before it is sealed by Clerk's Office staff.

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. Clerk's Office staff will review and seal package(s) while you wait. **NOTE:** Be sure to insert a check for \$2,275.00 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: <https://www.dcd.uscourts.gov/general-civil-forms>.
 - (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) CHOOSE FILE and upload 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. Service by registered mail under this rule is not permitted as the Clerk's Office cannot dispatch packages to the U.S. Post Office. Please proceed to service by DHL (section b. below).
 - 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. (**Note:** The Clerk's Office does not have access to DHL supplies).
 - (6) One (1) DHL International Shipment Waybill (**Attachment C**) **filled out and addressed to each defendant.**
 - (a) The waybill must include the **law firm's address as the sender** and the **Payer Account Number. Counsel must provide a DHL account number.** The Clerk's Office cannot be charged for the shipment.
 - (b) The waybill **must be typed, not handwritten.**
 - (c) 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.

***PLEASE NOTE:** If sending documents to an embargoed country, contact 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, the Clerk's Office will not be able to schedule a pickup of the package(s).

C. MAIL PACKAGES

1. When service is being attempted via DHL, the package(s) will be picked up from the District Court's mailroom by a DHL courier. The attorney is responsible for calling DHL to schedule a pick-up.

D. RETURN PROOF OF DELIVERY TO THE CLERK'S OFFICE

1. Once the package(s) is delivered by DHL, file proof of service on the summons and complaint with the Clerk's Office using the event "Summons Returned Executed as to Foreign State or Agency" under **Service of Process** in ECF.

VI. RETURNS OF SERVICE

A. RETURN OF SERVICE EXECUTED

1. There are two possible returns of service **executed**:
 - a. A signed affidavit or executed summons (**Attachment F**). In addition, the DHL tracking information and delivery confirmation (**Attachment G**) 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. A package from the U.S. Department of State which contains a cover letter explaining that service was executed (**Attachment H**) 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 two possible returns of service **unexecuted**:
 - a. A signed affidavit or unexecuted summons (**Attachment I**). In addition, the DHL tracking information (**Attachment J**) 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. A package from the U.S. Department of State which contains a cover letter explaining that service was unexecuted (**Attachment K**). 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 L**) 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 M**) 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 N**) 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. Letter Requesting Service Pursuant to 28 U.S.C. § 1608(a)(4)
- E. PS Form 3800 Certified Mail Receipt
- F. Affidavit of Service Executed
- G. DHL Tracking Information (Service Executed)
- H. Cover Letter from Department of State (Service Executed)
- I. Affidavit of Service Unexecuted
- J. Copy of Front of Undelivered Package (Service Unexecuted)
- K. Cover Letter from Department of State (Service Unexecuted)
- L. Default
- M. Default Judgment
- N. Order

APPENDIX: Foreign Mailing Checklist

**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:

EXPRESS WORLDWIDE **DOX** **DHL**
2020-06-29 MYDHL+ 1.0 / *30-0821*

From LAW FIRM
ADDRESS
CITY, STATE:
ZIP CODE

Origin:
DCA

Contact: +12024498527

To: Kingdom of Saudi Arabia
Head of the Foreign Ministry
55937 Riyadh, Riyadh, Saudi Arabia
Riyadh

Contact:
Head of the Foreign Ministry
+966920033334

RIYADH Riyadh
Saudi Arabia

SA-RUH-GTW

DSR

Day	Time

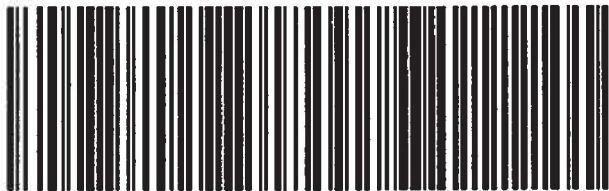
Ref: Adetoro v. KAA

Pce/Shpt Weight Pcs
1.5 lbs 1 / 1

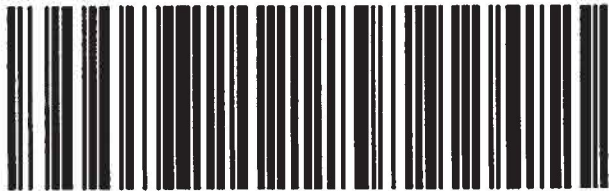


WAYBILL 47 0715 9822

Contents: Legal Documents



(2L)SA:RUHGTW+42000000



(J) JD01 4600 0079 3551 3080

19cv1918 (TNM)



ATTACHMENT D

Aryeh S. Portnoy
(202) 624-2806
APortnoy@crowell.com

May 25, 2021

Office of the Clerk
Attn: Angela D. Caesar
United States District Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, DC 20001

Re: Request for Service of Process on Defendant Ministry of Information and Security of the Islamic Republic of Iran in *John Doe et al. v. Islamic Republic of Iran, et al.*, Civil Action No. 08-0540-JDB (D.D.C.)

Dear Clerk of Court:

On behalf of the plaintiffs in the above-captioned matter, we are writing to request that you take all necessary steps, pursuant to 28 U.S.C. §§ 1608(a)(4) and 1608(e), to effect service on Defendant Ministry of Information and Security of the May 9, 2013 Order (“Order”) and accompanying Memorandum Opinion (“Memorandum Opinion”) in the above-captioned matter.

Background

Your office previously has assisted plaintiffs with service of various documents in this matter pursuant to provisions of 28 U.S.C. § 1608.

First, on June 23, 2009, we requested service of the First Amended Complaint through your office pursuant to 28 U.S.C. § 1608(a)(3). We noted that service could not be made pursuant to either 28 U.S.C. §§ 1608(a)(1) or 1608(a)(2). Therefore, pursuant to 28 U.S.C. § 1608(a)(3), your office dispatched a copy of the summons, First Amended Complaint, and a notice of suit, together with a translation of each into Farsi (the official language of the Islamic Republic of Iran), to Defendants Islamic Republic of Iran (“Iran”) and its Ministry of Information Security (“MOIS”) on June 24, 2009.

Next, as Defendants Islamic Republic of Iran and its Ministry of Information and Security failed to respond, we wrote to your office on July 31, 2009, requesting that the 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). On August 5, 2009,

May 25, 2021

Page 2

your office dispatched a copy of the summons, First Amended Complaint, and a notice of suit, together with a translation of each into Farsi, to Defendants Islamic Republic of Iran and its Ministry of Information and Security. No response ever was received from Defendants, and on January 29, 2010, the Clerk entered default against Defendants Islamic Republic of Iran and its Ministry of Information and Security.

Then, as there were subsequent amendments to the complaint, we again asked for assistance with service. On February 27, 2012, Plaintiffs filed a Fifth Amended Complaint. We wrote to your office on May 24, 2012, requesting service of the Fifth Amended Complaint pursuant to 28 U.S.C. § 1608(a)(4). Pursuant to 28 U.S.C. § 1608(a)(4), on May 25, 2012, your office dispatched a copy of the summons, Fifth Amended Complaint, and a notice of suit, together with a translation of each into Farsi, to the U.S. Department of State for service on Defendants Islamic Republic of Iran and its Ministry of Information and Security.

Finally, we requested assistance with service of the judgment in the above-captioned matter. On May 9, 2013, Judge John D. Bates issued a Memorandum Opinion and an Order entering judgment for the plaintiffs. Pursuant to 28 U.S.C. § 1608(e), which requires a copy of any default judgment to be sent to a foreign state or political subdivision defendant in the manner prescribed for service of the summons and complaint in 28 U.S.C. § 1608, we wrote to your office on July 17, 2013 requesting assistance with service of the Memorandum Opinion, the Order, and a notice of default judgment, together with a translation of each into Farsi, to Defendants Islamic Republic of Iran and its Ministry of Information and Security pursuant to 28 U.S.C. §§ 1608(a)(4) and 1608(e). That same day, your office dispatched a copy of the Memorandum Opinion, the Order, and a notice of default judgment, together with a translation of each into Farsi, to the U.S. Department of State for service on Defendants Islamic Republic of Iran and its Ministry of Information and Security.

Request for Assistance with Service

On November 24, 2020, Judge John D. Bates issued an order in the above-captioned matter noting that, despite our request for service of the May 25, 2012 Memorandum Opinion and Order on both Defendants Islamic Republic of Iran and its Ministry of Information and Security, and your office's dispatch of documents in response to that request, the State Department's filing "only reflect that the relevant papers were transmitted to Iran," and the Court thus had "no proof that plaintiffs' judgment was served on MOIS as well." Order, Nov. 24, 2020, ECF 119.

Accordingly, pursuant to 28 U.S.C. § 1608(e), which requires a copy of any default judgment to be sent to a foreign state or political subdivision defendant in the manner prescribed for service of the summons and complaint in 28 U.S.C. § 1608, we hereby request your assistance in serving the Order and Memorandum Opinion on Defendant Ministry of Information and Security of Iran under 28 U.S.C. § 1608(a)(4).

May 25, 2021

Page 3

Under 28 U.S.C. § 1608(a)(4), the Clerk of the Court shall send two copies of the pleading, together with a translation into Farsi, “by any form of mail requiring 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.

In light of the foregoing, we have enclosed for service on Defendant Ministry of Information and Security of Iran (1) two copies of the May 9, 2013 Order; (2) two copies of the accompanying Memorandum and Opinion; (3) two copies of the Notice of Default Judgment (attached to each of which is a copy of the Foreign Sovereign Immunities Act); (4) two copies of each of the foregoing documents translated into Farsi, the official language of the Islamic Republic of Iran; and (5) a cashier’s check for \$2,275.00 made payable to the U.S. Embassy in Bern, Switzerland.

Please take the necessary steps to dispatch these materials to effect service on Defendant Ministry of Information and Security of Iran pursuant to 28 U.S.C. §§ 1608(a)(4) and 1608(e). In light of the statutory requirement, service should be attempted by certified United States mail, return receipt requested, addressed to:

U.S. Department of State
Office of Legal Affairs (CA/OCS/L, SA-17, 10th Floor)
Director of Consular Services
Attention: Mr. Jared Hess
2201 Street N.W.
Washington, DC 20522-1710

We have enclosed a pre-paid mailing envelope. If you have any questions or require additional information, please contact my colleague, Emily Alban, at (202) 624-2718.


Thank you for your assistance in this matter.

Sincerely yours,

/s/ Aryeh S. Portnoy
Aryeh S. Portnoy

Enclosures

Cc: John L. Murino
Emily Alban

1111 0000 1111 0000 1111		CERTIFIED MAIL®		U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE				For delivery information, visit our website at www.usps.com ®.	
1111 0000 1111 0000 1111		1111 0000 1111 0000 1111		OFFICIAL USE	
1111 0000 1111 0000 1111		1111 0000 1111 0000 1111		Certified Mail Fee \$	
				Extra Services & Fees (check box, add fee as appropriate)	
				<input type="checkbox"/> Return Receipt (hardcopy) \$	
				<input type="checkbox"/> Return Receipt (electronic) \$	
				<input type="checkbox"/> Certified Mail Restricted Delivery \$	
				<input type="checkbox"/> Adult Signature Required \$	
				<input type="checkbox"/> Adult Signature Restricted Delivery \$	
				Postage \$	
				Total Postage and Fees \$	
				Sent To	
				Street and Apt. No., or PO Box No.	
				City, State, ZIP+4®	
				Postmark Here	
				PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RIZWAN KHALIQ, et al.
Plaintiffs**

v.

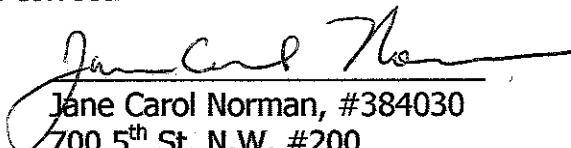
**Civil No.1:04CV01536
Judge John D. Bates**

**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

Date: 01/04/2005

JAN 31 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT



- ▶ LOGIN ▶ REGISTER
- ▶ Customer Service
- ▶ Domestic Services
- ▶ International Services
- ▶ Small Business Center
- ▶ Technology Tools
- ▶ About DHL

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 use of DHL tracking systems and information is strictly prohibited.



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-Whittington:

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

1013-23
2003 5 7 PM
RECEIVED
U.S. DISTRICT COURT
WASHINGTON, D.C.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ESTATE OF ROBERT P. HARTWICK, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No. 1:18-cv-01612-CKK
)
)
THE ISLAMIC REPUBLIC OF IRAN, et al.,)
)
Defendants)
)

NOTICE OF FAILED SERVICE UNDER 28 U.S.C. § 1608(a)(3)

Plaintiffs, through counsel, hereby notify the Court that the efforts to service Defendants The Islamic Republic of Iran (“Iran”), The Islamic Revolutionary Guard Corps (“IRGC”), and Iranian Ministry of Intelligence & Security (“MOIS), pursuant to 28 U.S.C. § 1608(a)(3), have failed either because the Defendants rejected Plaintiffs’ attempt to serve them, or Iranian Customs has refused to release the service packages for delivery in Tehran, Iran. *See* Exhibits 1-3.

In January 2019, Plaintiffs were advised by DHL that they no longer ship packages from the United States to Iran under any currently available U.S. Treasury Office of Foreign Assets Control (“OFAC”) General License.¹

Since service of process was not available through DHL, Plaintiffs initiated service of process on the above-listed Defendants on June 20, 2019, utilizing the United States Postal Service's ("USPS") Registered Return Receipt First Class International mailing services.

The USPS tracking data confirms that the service packages addressed to the three above-listed Defendants left Washington, D.C. on June 25, 2019. The service package for the IRGC

¹ Plaintiffs submitted an application for a Specific License from OFAC to ship case-related documents to Iran using DHL on January 25, 2019. This application is still pending.

arrived in New York on June 28, 2019 and was released from United States Customs on July 2, 2019. The service packages for Iran and MOIS arrived in New York prior to July 2, 2019 and were released from United States Customs on July 2, 2019. All three service packages arrived at the Imam Khomeini Airport in Tehran, Iran on July 5, 2019. The USPS does not provide further tracking data because it does not perform international tracking services for Registered Mail in destination countries.

However, according to data collected and provided by the National Post Office of the Islamic Republic of Iran a/k/a “IRI Post Company” (“IRI”), the service packages for the IRGC and MOIS arrived at the Iranian Customs office in Tehran, Iran, on July 7, 2019 and the service package for Iran arrived at the Iranian Customs office in Tehran, Iran on July 9, 2019.

After arriving in Iran, IRI made an attempt to deliver the service packages for Iran and the IRGC to the Iranian Minister of Foreign Affairs, Mr. Mohammad Javad Zarif, at the Ministry of Foreign Affairs located at Imam Khomeini Street, Imam Khomeini Square, Tehran, Iran, 1136914811.

Both packages were refused by the recipient at the final destination.

Since arriving in Iran on July 7, 2019, the service package for MOIS arrived in Iranian Customs on July 7, 2019, but has not yet been released for further delivery.

Plaintiffs have made a diligent effort to serve Defendants Iran, IRGC, and MOIS pursuant to 28 U.S.C. 1608(a)(3). Plaintiffs’ attempt to effectuate service of process has exceeded thirty days. These efforts have failed.

Therefore, Plaintiffs now intend to proceed to initiate service of process on these specific Defendants under 28 U.S.C. § 1608(a)(4) and shall file the appropriate materials with the Clerk requesting its assistance, as required.

Dated: August 23, 2019.

Respectfully submitted,

/s/ Christopher G. Paulos

Christopher G. Paulos, *Pro Hac Vice*
Florida Bar No. 0091579

**LEVIN, PAPANTONIO, THOMAS, MITCHELL,
RAFFERTY AND PROCTOR, P.A.**

316 South Baylen Street, Suite 600
Pensacola, Florida 32502

Telephone: (850) 435-7067

Facsimile: (850) 436-6067

Email: cpaulos@levinlaw.com

/s/ Howard L. Nations

Howard L. Nations

DC Bar No. TX143

THE NATIONS LAW FIRM

3131 Briarpark Drive, Suite 208

Houston, Texas 77042

Tel: (713) 807-8400

Facsimile: (713) 807-8423

Email: howard@howardnations.com

Attorneys for Plaintiffs

ATTACHMENT J

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
THE DISTRICT OF COLUMBIA
U.S. COURTHOUSE
333 CONSTITUTION AVENUE, N.W.
WASHINGTON, DC 20001
OFFICIAL BUSINESS

AIR MAIL

AR

AIR MAIL

U.S. POSTAGE
 PAID
 NEW YORK, NY
 JUL 18 2005
 FINC001
 \$1.75
 00069864-02

RECEIVED
 SEP 26 2005
 UNITED STATES DISTRICT COURT
 THE DISTRICT OF COLUMBIA

U.S. POSTAGE
 PAID
 NEW YORK, NY
 JUL 18 2005
 FINC001
 \$12.80
 00069864-02

0100008

6.902

Iranian Ministry of Intelligence and Security
c/o Ministry of Foreign Affairs
Khomeni Avenue, United Nations Street
Tehran, Islamic Republic of Iran

RA 350 076 606 US
 1025361 99-N-3904
 12/20/00 July 1999

U.S. AIR MAIL REGISTERED MAIL

Item Description (Nature de l'envoi) ☐ Registered (Article enregistré) ☐ Letter (Lettre) ☐ Matter (Autre) ☐ Other (Autre) ☐ Recorded Delivery (Envoi à livraison attestée) ☐ Express national (Express national)

Insured Parcel (Colis avec valeur déclarée) ☐ Insured Value (Valeur déclarée) \$1000.00

Date of Posting (Date de dépôt) 05/07/05

Office of Mailing (Bureau de dépôt) Iranian Ministry of Intelligence and Security c/o Ministry of Foreign Affairs Khomeni Avenue, United Nations Street Tehran, Islamic Republic of Iran

Signature of/à l'adresse (Signature) _____
 Signature of/à l'adresse (Signature) _____
 Date _____

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

Completed at destination (A compléter à destination) _____
 Completed by the office of origin (A compléter au bureau d'origine) _____

PS Form 2865, February 1997 (Reverse)

ATTACHMENT K



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.

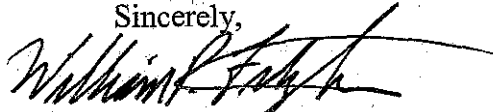
Because the United States does not maintain diplomatic relations with the government of Iran, the Department of State is assisted by the U.S. Interests Section of the Embassy of Switzerland in Teheran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered 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,

A handwritten signature in black ink, appearing to read 'William P. Fritzlen', with a stylized flourish extending from the end.

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

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)

ISLAMIC REPUBLIC OF IRAN IRANIAN and
RE: 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

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

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

ATTACHMENT M, cont.

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.

ATTACHMENT M, cont.

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 N

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)

FILED

FEB 1 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

MARIE CAMPBELL, et al.

Plaintiffs,

v.

THE ISLAMIC REPUBLIC OF IRAN,
et al.,

Defendants.

Civil Action No. ~~00~~-2104 (TPJ)

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

(N)

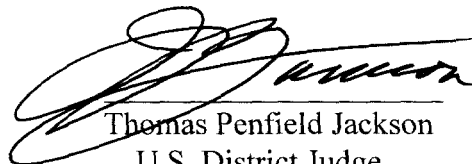
///

ATTACHMENT N, cont.

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