

INSTRUCTIONS FOR SERVICE OF PROCESS
ON A FOREIGN DEFENDANT
PURSUANT TO FRCP 4(f)
AND THE FOREIGN SOVEREIGN IMMUNITIES ACT

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James M. Parkison, Esq.
Clerk of Court

U.S. District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

PROCEDURES FOR SERVICE PURSUANT TO

RULE 4(f)(2)(C)(ii)*

For the office of the Clerk to serve a defendant pursuant to Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure, we require that you furnish us with the following for each case involved:

(1) A letter, addressed to the Clerk of Court, James M. Parkison, requesting that he serve specified documents pursuant to Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure. Include in this letter both the name(s) and address(es) of the defendant(s) to be served.

(2) One set of papers for each defendant to be served and one copy of the summons, complaint, and set of papers being served on the defendant(s) for the Court file.

(3) One envelope,¹ addressed to each defendant with the law firm's return address.

(4) A pink return receipt card (Postal Service Form #2865) made out to the defendant being served with the return address of the Clerk of Court. On the upper left hand corner of this card you must include both the case number and judge's initials. [\[See example on page 3.\]](#)

(5) A white return receipt (Postal Service Form #3806) made out to the defendant being served with the return address of the law firm. [\[See example on page 3.\]](#)

(6) A sum of money (cash only) sufficient for postage and registration and return receipt fees. If the amount of money tendered is insufficient, you will be contacted and the documents will be held in our office (Room 120) until additional funds are received. Money for each case must be kept separately.

All mailings are brought to the Post Office on Monday, Wednesday and Friday mornings at 9:00. Papers submitted to the Clerk's Office for mailings must be brought in no later than 4:30 p.m. the previous day. You may pick up the change from the amount tendered any time after 11 a.m. on the day of mailing.

- NOTE:
1. *The Hague Convention places restrictions on which countries may be served under this provision. [See page 2.](#)
 2. Do not postage meter stamps.
 3. Leave more money than you think it will cost.
 4. Do not seal envelopes.
 5. Make sure there's glue on the pink return receipt (Postal Form 2865).

¹Post Office will not accept the mailing labels for foreign mailing - it must be typed or written on the envelope.

The Clerk's Office cannot accept for service pursuant to FRCP 4(f)(2)(C)(ii), any documents that are addressed to a defendant in certain countries that are parties to the HAGUE CONVENTION THE SERVICE OF PROCESS or in any of the countries which do not permit direct service by international mail:

CZECHOSLOVAKIA [2]
DENMARK [1]
EASTERN BLOCK COUNTRIES [2]
EGYPT [1]
KUWAIT [2]
NORWAY [1]
RUSSIA [2]
SPAIN [2]
SWITZERLAND [2]
TURKEY [1]
GERMANY [1]

(1) Defendants in these Hague Convention countries [Denmark, Egypt, Norway, Turkey, West Germany (Federal Republic of Germany)] may be served by plaintiff's counsel who sends the documents, along with a completed USM-94 Form (available from the United States Marshal), to the designated central authority in the foreign country. On the USM-94 Form, make sure that an attorney in your firm who is admitted to the bar of this Court is listed as the APPLICANT (in the box) and as the REQUESTING AUTHORITY (on the reverse). Indicate that the attorney's authority to make this request is based on New York State law (which is adopted in this Court) by which an attorney is an officer of the Court.

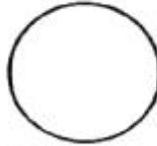
Unique requirements for particular countries (e.g., the need to have the documents translated in the country's language) can be obtained from the U.S. Marshal's Office.

(2) Defendants in these countries must be served by sending the documents via diplomatic channels, i.e., Letters Rogatory (Room 120) Orders Appeals Clerk.

The text of the Hague Convention can be found in Martindale Hubbell (Volume VII) and following Rule 4 of the Federal Rules of Civil Procedure (United States Code Annotated version). Additional information may be obtained from the State Department's Office of Special Consular Services in Washington, D.C.

Case # and
Judges initial

PAR AVION
(FRONT)



POSTAL SERVICE
Service des postes

RETURN RECEIPT

Avis de réception

To be returned by the
fastest route (air or
surface mail), if
discovered and postage
paid.

To be filled out by the sender, who will indicate his address for the return of this receipt.
A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.

Name of firm Nom ou raison sociale	
James M. Parkison	
U.S. District Court - SDNY	
Street and No. Rue et no.	500 Pearl Street
City, State and ZIP Code Lieu et Pays	New York, NY 10007-1312
UNITED STATES OF AMERICA Etats-Unis d'Amérique	

renvoyer par la
voie la plus rapide
aérienne ou de
surface), à découvert et
à franchise de port.

PS Form 2865
Mar. 1985

★ U.S. GOVERNMENT PRINTING OFFICE: 1983-336-711

REGISTERED NO.		POSTMARK
To Be Completed By Post Office	Reg. Fee \$	Special Delivery \$
	Handling Charge \$	Return Receipt \$
	Postage \$	Restricted Delivery \$
	Received by	
To Be Completed By Customer (Please Print) All Entries Must Be in Ball Point or Typed	Customer Must Declare Full Value \$	<input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance
	Domestic Insurance is Limited To \$25,000; International Indemnity is Limited (See Reverse)	
FROM	Law Firm's Name & Address	
TO	Defendant's Name & Address	

(BACK)

To be filled out by the office of origin.
A remplir par le bureau d'origine.

Registered article Envoi recommandé	<input type="checkbox"/> Letter Lettre	<input type="checkbox"/> Printed Matter Imprimé	<input type="checkbox"/> Other Autre	<input type="checkbox"/> Express Mail International
<input type="checkbox"/> Insured parcel Colis avec valeur déclarée	Insured Value Valeur déclarée	Article No.		
Office of mailing Bureau or depot		Date of posting Date de depot		
Addressee (Name or firm) Nom ou raison sociale du destinataire				
Defendant's Name & Address				
Street and No. Rue et No.		Place and country Lieu et Pays		

To be completed at destination.
A compléter à destination.

This receipt must be signed by the addressee or by a person authorized to do so by virtue of the regulations of the country of destination, or, if those regulations so provide, by the employee of the office of destination, and returned by the first mail directly to the sender.
Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.

The article mentioned above was duly delivered. L'envoi mentionné ci-dessus a été dûment livré.	Date
Signature of the addressee Signature du destinataire	Signature of the employee of the office of destination. Signature de l'agent du bureau de destination.

Postmark of the office
of destination
Timbre du bureau
de destination



PS Form 3806, RECEIPT FOR REGISTERED MAIL (Customer Copy)
April 1991 (See Information on Reverse)

PROCEDURES FOR SERVICE
UPON A FOREIGN STATE OR POLITICAL SUBDIVISION
PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT
(DIRECT MAIL)

For the office of the Clerk to serve an agency or instrumentality of a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 USC § 1608(a)(3), we require that you furnish us with the following for each case involved:

(1) A letter, addressed to the Clerk of Court, James M. Parkison, requesting that he serve specified documents pursuant to the Foreign Sovereign Immunities Act, 28 USC § 1608(a)(3). Include in this letter both the name(s), title(s) and address(es) of the person(s) to be served.

(2) One complete set of papers in English and one in that country's official language for each defendant to be served and one copy of each of these documents for the Court's file. You must also include a Notice of Suit (in both English and the country's official language) which must be prepared pursuant to 22 CFR § 93.2. A copy of these documents must also be tendered to the Clerk's Office along with the other papers mentioned in this paragraph.

(3) An affidavit from the translator stating his qualifications and that the translation is accurate [Rule 2101(b), Civil Practice Law and Rules of N.Y.] for each defendant to be served and one for the Court's file.

(4) One envelope,¹ sufficient to hold entire set of papers for each defendant(s) to be served with the return address of the Clerk's Office.

(5) A pink return receipt card (Postal Service Form #2865) made out to the defendant being served with the return address of the Clerk of Court. On the upper left hand corner of this card you must include both the case number and judge's initials. [\[See example on page 5.\]](#)

(6) A white return receipt (Postal Service Form #3806) made out to the defendant being served with the return address of the Clerk's Office. [\[See example on page 5.\]](#)

(7) A sum of money (cash only) sufficient for postage and registration and return receipt fees. If the amount of money tendered is insufficient, you will be contacted and the documents will be held in our office (Room 120) until additional funds are received. Money for each case must be kept separately.

All mailings are brought to the Post Office on Monday, Wednesday and Friday mornings at 9:00. Papers submitted to the Clerk's Office for mailings must be brought in no later than 4:30 p.m. You may pick up the change from the amount tendered any time after 11:00 a.m.

¹Post Office will not accept the mailing labels for foreign mailing - it must be typed or written on the envelope.

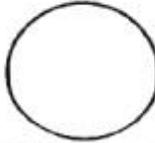
POSTAL SERVICE OF THE UNITED STATES OF AMERICA

Administration des Postes des Etats-Unis d'Amérique

Case # and
Judges initial

PAR AVION
(FRONT)

C5
Postmark of the office
returning the receipt
Timbre du bureau
renvoyant l'avis



POSTAL SERVICE
Service des postes

RETURN RECEIPT

Avis de réception

to be returned by the
local route (air or
face mail), and
cover and postage

To be filled out by the sender, who will indicate his address for the return of this receipt.
A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.

Name or firm Nom ou raison sociale	James M. Parkison	
Street and No. Rue et no.	500 Pearl Street	
City, State and ZIP Code Lieu et Pays	New York, NY 10007-1312	
UNITED STATES OF AMERICA Etats-Unis d'Amérique		

to be returned by the
local route (air or
face mail), and
cover and postage

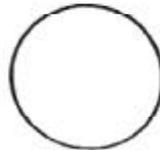
Form 2865
Rev. 1985

★ U.S. GOVERNMENT PRINTING OFFICE: 1993-336-711

REGISTERED NO.		POSTMARK
To Be Completed By Post Office	Reg. Fee \$	Special \$ Delivery
	Handling \$ Charge	Return \$ Receipt
	Postage \$	Restricted \$ Delivery
	Received by	
To Be Completed By Customer (Please Print) All Entries Must Be in Ball Point or Typed	Customer Must Declare Full Value \$	<input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance
	Domestic Insurance Is Limited To \$25,000; International Indemnity Is Limited (See Reverse)	
FROM	James M. Parkison, U.S. District Court 500 Pearl Street New York, NY 10007-1312	
TO	Defendant's Name & Address	

(BACK)

Registered article Envoi recommandé	<input type="checkbox"/> Letter Lettre	<input type="checkbox"/> Printed Matter Imprimé	<input type="checkbox"/> Other Autre	<input type="checkbox"/> Express Mail International
<input type="checkbox"/> Insured parcel Colis avec valeur déclarée	Insured Value Valeur déclarée	Article No.		
Office of mailing Bureau ou depot		Date of posting Date de depot		
Addressee (Name or firm) Nom ou raison sociale du destinataire Defendant's Name & Address				
Street and No. Rue et No.				
Place and country Lieu et Pays				
This receipt must be signed by the addressee or by a person authorized to do so by virtue of the regulations of the country of destination, or, if those regulations so provide, by the employee of the office of destination, and returned by the first mail directly to the sender. Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.				Postmark of the office of destination Timbre du bureau de destination
The article mentioned above was duly delivered. L'envoi mentionné ci-dessus a été dûment livré.			Date	
Signature of the addressee Signature du destinataire		Signature of the employee of the office of destination. Signature de l'agent du bureau de destination.		



PS Form 3806, RECEIPT FOR REGISTERED MAIL (Customer Copy)
April 1991 (See Information on Reverse)

To be filled out by the office of origin.
A remplir par le bureau d'origine.

To be completed at destination.
A compléter à destination.

PROCEDURES FOR SERVICE
UPON A FOREIGN STATE OR POLITICAL SUBDIVISION
PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT
(DIPLOMATIC CHANNELS VIA STATE DEPARTMENT)

For the Office of the Clerk to service an agency or instrumentality of a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 USC § 1608(a)(4), we require that you furnish us with the following for each case involved:

(1) A letter, addressed to the Clerk of Court, James M. Parkison, requesting that he serve specified documents pursuant to the Foreign Sovereign Immunities Act, 28 USC § 1608(a)(4). You must indicate what measures have been employed to effect service under (a)(1) - (3), e.g., that (a)(3) was attempted by the Clerk's Office on a specified date which was more than 30 days prior to this request and the return receipt has not been received by the Clerk's Office. Include in this letter both the name(s), title(s) and address(es) of the person(s) to be served.

(2) Two complete sets of papers in English and two in that country's official language for each defendant to be served and one copy of each of these documents for the Court's file. You must also include two copies, each, of the Notice of Suit (in both English and the country's official language) which must be prepared pursuant to 22 CFR § 93.2. A copy of these documents must also be tendered to the Clerk's Office along with the other papers mentioned in this paragraph.

(3) An affidavit from the translator stating his qualifications and that the translation is accurate [Rule 2101(b), Civil Practice Law and Rules of N.Y.] for each defendant to be served and one for the Court's file.

(4) One blank envelope, sufficient to hold entire set of papers which the Clerk's Office will address to the State Department in Washington and affix to the mailing envelope.

(5) A green return receipt card (Postal Form 3811) which the Clerk's Office will address. The return address should be made out to the Clerk of the Court. On the upper left-hand corner of this card include the case number and the Judge's initials.

(6) A sum of money (cash only) sufficient for postage and certification and return receipt fees. If the amount of money tendered is insufficient, you will be contacted and the documents will be held in our office (Room 120) until additional funds are received. Money for each case must be kept separately.

PROCEDURES FOR SERVICE
UPON AN AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE
PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT

For the Office of the Clerk to serve an agency or instrumentality of a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 USC § 1608(b)(3)(B), we require that you furnish us with the following for each case involved:

(1) A letter, addressed to the Clerk of Court, James M. Parkison, requesting that he serve specified documents pursuant to the Foreign Sovereign Immunities Act, 28 USC § 1608(b)(3)(B). Include in this letter both the name(s), title(s) and address(es) of the person(s) to be served.

(2) One complete set of papers in English and one in that country's official language for each defendant to be served and one copy of each of these documents for the Court's file.

(3) An affidavit from the translator stating his qualifications and that the translation is accurate [Rule 2101(b), Civil Practice Law and Rules of N.Y.) for each defendant to be served and one for the Court's file.

(4) One envelope,¹ sufficient to hold entire set of papers for each defendant(s) to be served with the return address of the Clerk's Office.

(5) A pink return receipt card (Postal Service Form #2865) made out to the person being served with the return address of the Clerk of Court. On the upper left hand corner of this card you must include both the case number and judge's initials. [\[See example on page 5.\]](#)

(6) A white return receipt (Postal Service Form #3806) made out to the defendant being served with the return address of the Clerk's Office. [\[See example on page 5.\]](#)

(7) A sum of money (cash only) sufficient for postage and registration and return receipt fees. If the amount of money tendered is insufficient, you will be contacted and the documents will be held in our office (Room120) until additional funds are received. Money for each case must be kept separately.

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