

A singer, a citizen of State A, believes that her former record label violated federal law when it sold the rights to her songs to another company. The singer has brought a suit in federal court in State A against the record label, which is headquartered and incorporated in a foreign country, and the record label's president, who resides in the foreign country.

What is the best method of serving the defendants?

- A. Service as required by State A's rules of civil procedure.
- B. Service by having a process server personally deliver copies of the summons and complaint to the record label's headquarters and its president.
- C. Service by mailing copies of the summons and complaint to the record label and its president.
- D. Service pursuant to an international agreement that is reasonably calculated to give notice.

## Explanation:

### Methods of serving process in foreign country

#### Individual or organization

- Following international agreement reasonably calculated to give notice
- If no international agreement & not prohibited by federal law:
  - following foreign country's rules
  - as foreign country directs in response to letter rogatory *or*
  - unless prohibited by foreign country, by personal delivery\* or mail with request for signed return receipt
- Following court order, unless prohibited by international agreement

#### Foreign government

- Following special arrangement between plaintiff & foreign state
- If no special arrangement, by international convention
- If no convention, by mail to head of foreign affairs ministry with request for signed return receipt
- If service by mail cannot be made within 30 days, by sending two copies to U.S. Secretary of State via mail requiring signed receipt

\*Organizations cannot be served by personal delivery in foreign countries.

Due process requires that a plaintiff notify the defendant of a lawsuit through **service of process**—ie, delivery of the [summons and complaint](#). **Individuals and organizations** located in a **foreign country** can be served with process by any **internationally agreed method** of service that is reasonably calculated to give notice under the circumstances. Therefore, the singer's best method of serving the foreign record label and its president is service pursuant to an applicable international agreement that meets that standard.

**(Choice A)** An individual or organization can be served with process in the U.S. as required by the rules of civil procedure of the forum state—ie, the state in which the court is located. However, this is not a proper method to serve an individual or organization in a foreign country (as seen here).

**(Choice B)** An individual in a foreign country can generally be served with process by having a process server personally deliver a copy of the summons and complaint to the individual. However, organizations located abroad cannot be served in this manner.

**(Choice C)** A plaintiff can generally serve process on individuals and organizations in foreign countries through mail requiring a signed receipt (eg, certified mail), but only when there is no internationally agreed means of service.

**Educational objective:**

Individuals and organizations in foreign countries can be served with process by any internationally agreed method of service that is reasonably calculated to give notice.

**References**

- Fed. R. Civ. P. 4(f) & (h)(2) (service of process on individuals and organizations in foreign countries).
- 4B Charles Alan Wright et al., Federal Practice and Procedure § 1134 (4th ed. 2020) (explaining how process can be served on individuals and organizations located abroad).

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