

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

JOHN GREGORY LAMBROS : Case Number: 2017 CA 929 B
v. : Judge: Florence Y. Pan
FEDERATIVE REPUBLIC :
OF BRAZIL, ET AL.

ORDER

This matter comes before the Court upon consideration of plaintiff's Motion requesting the Court to order officers of the court to effectuate service of his complaint, summons, initial order, and subsequent filings on all named defendants, filed on March 6, 2017. On February 10, 2017, the Court granted plaintiff's motion to proceed *in forma pauperis*. See, e.g., Order Granting Motion to Proceed In Forma Pauperis, dated February 10, 2017, (Wertheim, J.); Super. Ct. Civ. R. 54-II(i) ("Where a request to proceed without prepayment of costs, fees, or security is granted, the officers of the court will issue and serve all process and perform all duties in such cases. ").

Ordinarily, when a plaintiff proceeds *in forma pauperis*, the Clerk of the Civil Actions Branch will send the Complaint, Summons, and Initial Order and Acknowledgement of Service by first class regular mail to all named defendants. Plaintiffs proceeding in this manner, however, must first provide the Clerk with a specific name and a mailing address for each named defendant. The Clerk cannot serve "John and Jane Does," without a specific name and mailing address for each of them. If plaintiff wishes to pursue his causes of action against these individuals, he must supplement his motion with a precise name and address for these individuals.

While the Clerk of the Civil Actions Branch will perform the actual mailing of the service of process on all defendants for plaintiffs proceeding on their claims *in forma pauperis*,

the Clerk is not equipped to conduct legal research on behalf of plaintiffs to determine the proper method or recipient of service. Consequently, the Clerk needs to know exactly how plaintiff wants to effectuate service on defendants the Federative Republic of Brazil and the State of Rio de Janeiro. Plaintiff must provide the Clerk with the name and mailing address of the person that will accept service of process, and also a Portuguese translation of the documents that need to be served. *See* 28 U.S.C. § 1608(a)(3) (“Service in the courts of the United States and of the States shall be made upon a foreign state or political subdivision of a foreign state...by sending a copy of the summons and 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 of the foreign state concerned.”). Proceeding *in forma pauperis* affords plaintiff the right to have the Clerk mail his service of process to the named defendants; the Clerk cannot, however, provide the Portuguese translation of all of plaintiff’s materials.

The Inter-American Convention on Letters Rogatory and the Additional Protocol facilitates service of process between countries that are signatories. In particular, these two treaties allow service of process to pass through the designated Central Authority for each state. *See* Additional Protocol to the Inter-American Convention on Letters Rogatory, Art. II. In order for the Clerk of the Civil Actions Branch to effectuate service in this manner, plaintiff must provide, for each foreign defendant, an original version of Form A¹, and two copies of the form in Portuguese; a copy of the complaint, with a Portuguese translation of the complaint; untranslated copies of all documents attached to the complaint; an untranslated copy of this order; a form conforming to Form B annexed to the Additional Protocol, which contains

¹ Additional Protocol to the Inter-American Convention on Letters Rogatory, Annex, Form A: Letter Rogatory.

essential information for the person to be served; and a certificate conforming to Form C annexed to the Additional Protocol on which the Central Authority of Brazil shall attest to execution or non-execution of the letter rogatory. See Additional Protocol, Art. III, available at <http://www.oas.org/juridico/english/treaties/b-46.html>. Further, pursuant to the Inter-American Convention, the costs associated with the processing of letters rogatory are borne by interested parties, and the “effects of a declaration *in forma pauperis* shall be regulated by the law of the State of destination.” See Inter-American Convention on Letters Rogatory, Art. XII. Plaintiff must determine whether Brazilian law requires plaintiff to cover any such expenses, included but not limited to, postage. The Court, therefore, will grant plaintiff 60 days to file a supplemental pleading with the additional information necessary for the Clerk of the Civil Actions Branch to effectuate service on the named defendants in this matter.

Accordingly, it is this 4th day of April, 2017, hereby

ORDERED that plaintiff shall file a supplement with a specific name and mailing address for defendants “John and Jane Does” on or before June 5, 2017, or the Court will dismiss these defendants without prejudice; and it is further

ORDERED that plaintiff shall file a supplement containing all the materials necessary to effectuate service on the Federative Republic of Brazil and the State of Rio de Janeiro in accordance with applicable international law on or before June 5, 2017, or the Court will dismiss these defendants without prejudice; and it is further

ORDERED that the scheduling conference scheduled for June 2, 2017, is vacated and rescheduled for Friday, July 14, 2017, at 10:30 a.m. in Courtroom 415.

SO ORDERED.

Florence Pan

Judge Florence Y. Pan
Superior Court of the District of Columbia

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