

#94-1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

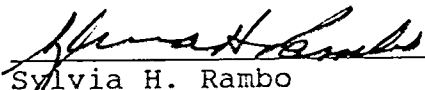
IN RE: :
STANDING ORDER REGARDING : Misc. No. _____
SERVICE OF PROCESS ON :
BEHALF OF THE UNITED STATES :
:

O R D E R

AND NOW, this 11th day of January, 1994, upon consideration of the United States' Motion for Entry of Standing Order Regarding Service of Process by the United States Marshals on Behalf of the United States, it is hereby ORDERED that the United States Marshal shall effect service of a summons and complaint on behalf of the United States, without further order of the court, upon certification by the United States Attorney or an Assistant United States Attorney that:

- a) A waiver of service, as provided by Federal Rule of Civil Procedure 4(d)(1), has been sent to the defendant(s) and service has not been waived within the time period provided by Rule 4; or
- b) Other cause exists, warranting personal service in lieu of an attempt to secure a waiver of service.

SO ORDERED


Sylvia H. Rambo
Chief Judge

William W. Caldwell

William W. Caldwell
U.S. District Judge

Edwin M. Kosik

Edwin M. Kosik
U.S. District Judge

James F. McClure

James F. McClure
U.S. District Judge

William J. Nealon

William J. Nealon
U.S. District Judge

Malcolm Muir

Malcolm Muir
U.S. District Judge

Richard P. Conaboy

Richard P. Conaboy
U.S. District Judge

2. Prior to the amendments to Federal Rule of Civil Procedure 4, the United States Marshal was authorized in all cases, to serve summonses and complaints on behalf of the United States.

3. Under the amendments to Federal Rule of Civil Procedure 4, the United States Attorney will be required, in each case where personal service is necessary or a waiver of service can not be secured, to request authorization from the Department of Justice in Washington for the expenditure of funds to employ private process servers, or to seek a specific directive from the court to employ the United States Marshal to effect personal service.

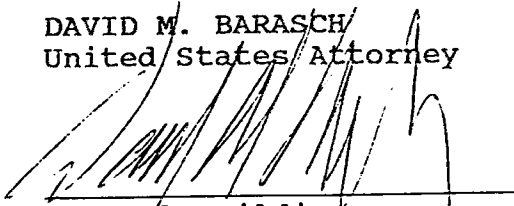
WHEREFORE, the United States respectfully requests that this Honorable court enter a standing order directing the service of summonses and complaints by the United States Marshal upon certification by the the United States Attorney or an Assistant United States Attorney, that:

a) A waiver of service has been sent to the defendant(s) and service has not been waived; or

b) Other cause exists warranting personal service in lieu of an attempt to secure a waiver.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



Federal Building
P.O. Box 11754
Harrisburg, PA 17108
717-782-4482

Date: 1-10-94

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
U.S. COURTHOUSE
228 WALNUT STREET, RM. 920
P.O. BOX 983
HARRISBURG, PA 17108

LANCE S. WILSON
CLERK

(717) 782-4008
FAX (717) 782-2262

TO: ALL DISTRICT JUDGES
FROM: LANCE S. WILSON, CLERK
RE: STANDING ORDER REGARDING SERVICE
DATE: JANUARY 11, 1994

The amendments to Federal Rule 4 which became effective December 1, 1993, eliminated service of original process by return receipt requested mail and eliminated the notice and acknowledgment procedures. In effect, for our state, the amendments require personal service of all federal civil cases which are routinely filed by the U.S. Attorney. We have been meeting with both the U.S. Attorney's Office and the U.S. Marshal's Office in an attempt to ease the implementation of these new rules.

One alternative to personal service is to have the defendant's waive service. The U.S. Attorney's Office will attempt to have the defendant's waive service as their standard procedure in all civil cases.

When the defendant's do not agree to waive service, or if other good cause(s) exist, the U.S. Marshal will be requested to provide personal service on behalf of the U.S. Government, in accordance with FRCP 4(c)(2). To avoid the necessity of a separate order in every civil case in which the U.S. Government is the plaintiff, the U.S. Marshall will honor the attached standing order as proposed by the U.S. Attorney.

If you have any questions on the above, please contact Frank Johns or myself. Thank you.