

## Proposed Amendments to Rule 4

Rule 4 is amended as follows:

### **Rule 4.** Service of Summons and Complaint

(a) Summons; Service by the Clerk. In any action required to be commenced by filing a summons only, service of the summons must be made by the clerk of the court as follows:

(1) On the United States, by serving the Attorney General of the United States, by delivering or by mailing a copy of the summons to the Attorney-in-Charge, International Trade Field Office, Commercial Litigation Branch, Department of Justice.

(2) When the action is described in 28 U.S.C. § 1581(a) or (b), the clerk must, in addition to the service prescribed in paragraph (1) of this subdivision (a), also serve the Secretary of the Treasury by mailing a copy of the summons to the director for the customs port **or Center** in which the protest was denied or in which the liquidation of an entry is contested, and to the Assistant Chief Counsel for International Trade Litigation, United States Customs and Border Protection.

(3) When the action is described in 28 U.S.C. § 1581(b), the clerk must, in addition to the service prescribed in paragraphs (1) and (2) of this subdivision (a), also mail a copy of the summons to the consignee or agent of the consignee involved in each entry included in the action.

(4) When the action is described in 28 U.S.C. § 1581(c) and contests a determination listed in section 516A(a)(2) or (3) of the Tariff Act of 1930, the clerk

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must, in addition to the service prescribed in paragraph (1) of this subdivision (a), also mail a copy of the summons: to the Secretary, United States International Trade Commission, when a determination of that Commission is contested; and to the General Counsel, Department of Commerce, when a determination of that Department is contested.

(5) After making service as prescribed in this subdivision (a), the clerk must return a copy of the summons, together with proof of service and a receipt for payment of the filing fee, to the person who filed the summons.

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(As amended Nov. 4, 1981, eff. Jan. 1, 1982; Oct. 3, 1984, eff. Jan. 1, 1985; July 21, 1986, eff. Oct. 1, 1986; July 28, 1988, eff. Nov. 1, 1988; Oct. 5, 1994, eff. Jan. 1, 1995; Aug. 29, 2000, eff. Jan. 1, 2001; Dec. 18, 2001, eff. April 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; Nov. 25, 2008, eff. Jan. 1, 2009; Mar. 20, 2018, eff. Apr. 23, 2018; \_\_\_\_\_, 2021, eff. \_\_\_\_\_ 2021.)

**Advisory Committee Note**

In accordance with the revisions to Form 1 to request that the plaintiff indicate the Center of Excellence and Expertise (Center) on the summons, with the intent that the summons be transmitted to the Center(s) if known, Rule 4(a)(2) is revised to provide that the Clerk of the Court may mail a copy of the summons to the Center.