

Rule 4. Process

(a) **HOW AND BY WHOM.** Service of process must be made in compliance with D.C. Code § 16-1502 (2022) by any competent person not less than 18 years of age who is not a party to the suit. A separate copy of the summons and complaint must be provided for each defendant.

(b) **PROOF OF SERVICE.**

(1) *In General.* Proof of service of the summons and complaint must be made under oath and in the format set forth in L&T Form 3. A separate L&T Form 3 must be filed for each defendant.

(2) *Photographic Proof.* If a summons is served by posting and mailing, a photograph of the posted summons must be filed with proof of service. The photograph must have a readable timestamp that indicates the date and time when the summons was posted.

(3) *Time for Filing.* Proof of service must be filed at least 21 days before the date set for the initial hearing.

(4) *Motion for Extension.* Prior to the expiration of the foregoing time period, the plaintiff may make a motion to extend the time for service. The motion must set forth in detail the efforts that have been made, and will be made in the future, to obtain service. If the plaintiff shows good cause, the court must extend the time for an appropriate period.

(5) *Dismissal.* The plaintiff's failure to comply with the requirements of this rule will result in the dismissal without prejudice of the complaint. The clerk will enter the dismissal and serve notice on all the parties.

COMMENT TO 2023 AMENDMENTS

New subsection (b)(2) has been added in response to the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, § 2(b), D.C. Law No. 24-115 (May 18, 2022), D.C. Code § 16-1502(b)(2) (2022). Subsection (b)(3) (former subsection (b)(2)) has been amended consistent with the act's requirement of service of the complaint at least 30 days before the initial hearing. The remaining subsections have been redesignated accordingly.

COMMENT TO 2019 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. The rule was amended to require that an affidavit of service be filed at least 6 days before the date set for the initial hearing and to permit the clerk to dismiss the case where the plaintiff has failed to comply with this rule. Parties should refer to D.C. Code § 16-1502 (2012 Repl.) and L&T Form 3 for additional guidance on service and proof of service. As Rule 2 provides, Civil Rule 4(h) addresses service on a corporation, partnership, or association.

The provision relating to costs has been moved to Rule 15.

COMMENT

This rule requires that the plaintiff mail to the defendant a copy of the summons and complaint when service is made by posting pursuant to D.C. Code 2001, § 16-1502. See *Greene v. Lindsey*, 456 U.S. 444, 102 S. Ct. 1874, 72 L. Ed. 2d 249 (1982). This requirement is not intended to excuse the plaintiff's obligation to make a "diligent and conscientious effort" to secure personal or substitute service before resorting to service by posting. See, e.g., *Parker v. Frank Emmet Real Estate*, 451 A.2d 62 (D.C. App. 1982).