



United States Department of State

Washington, D.C. 20520

November 9, 2023

Angela D. Caesar  
Clerk of the Court  
U.S. District Court for the District of Columbia  
333 Constitution Ave. NW  
Washington, DC 20001

**Re: *Dana Marie Bernhardt, et al. v. Islamic Republic of Iran*, 1:18-cv-02739**

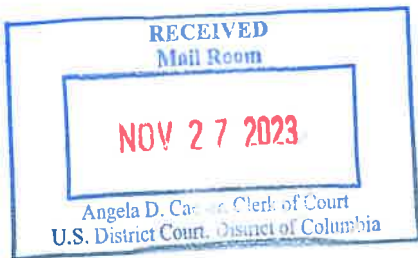
Dear Ms. Caesar:

I am writing regarding the Court's request for transmittal of an Order, Memorandum Opinion, and Notice of Default Judgment to the Islamic Republic of Iran pursuant to 28 U.S.C. Sections 1608(a)(4) and (e) as a defendant in the above referenced lawsuit.

Because the United States does not maintain diplomatic relations with the Government of Iran, the Department of State is assisted by the Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note No. 1076-IE, dated October 10, 2023, and delivered on October 11, 2023. A certified copy of the diplomatic note is enclosed.\*

Sincerely,

Jared N. Hess  
Attorney Adviser  
Office of the Legal Adviser  
L/CA/POG/GC



\* Please note that performance by the Department of State of its statutory functions under 28 U.S.C. § 1608 should not be construed as an indication in any way of the United States' position or views on whether plaintiffs have properly complied with all statutory requirements of the FSIA, the status or character of a defendant, whether service was properly effected, or the merits of any claims or defenses. See <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-asst/Service-of-Process/Foreign-Sovereign-Immunities-Act.html>.

Cc: Singer Davis  
1209A Laskin Rd.  
Virginia Beach, VA 23451  
Attn: Kevin A. Hoffman

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland )  
Bern, Canton of Bern ) SS:  
Embassy of the United States of America )

I, Scott M. Driskel, a consular officer at the Embassy of the United States at Bern, Switzerland, certify that this is a true copy of Embassy note number 28128 dated September 25, 2023, which was transmitted to the Swiss Ministry of Foreign Affairs on September 27, 2023, for further transmission to the American Interests Section of the Swiss Embassy in Tehran, Iran.



(Signature of Consular Officer)

Scott M. DRISKEL

(Typed name of Consular Officer)

Consul of the United States of America  
(Title of Consular Officer)

November 7, 2023  
(Date)





*Embassy of the United States of America*

September 25, 2023

CONS NO. 28128

Federal Department of Foreign Affairs  
Foreign Interests Section  
Kochergasse 10  
Federal Palace North  
Office #4.001  
3003 Bern

Subject: JUDICIAL ASSISTANCE: Service of process under the Foreign Sovereign Immunities Act (FSIA) – Dana Marie Bernhardt, et al. v. Islamic Republic of Iran, 1:18-cv-02739

REF: ----

The Department of State has requested the delivery of the enclosed Order, Memorandum Opinion, and Notice of Default Judgment to the Ministry of Foreign Affairs of the Islamic Republic of Iran pursuant to the Foreign Sovereign Immunities Act in the matter Dana Marie Bernhardt, et al. v. Islamic Republic of Iran, 1:18-cv-02739.

The Embassy is herewith requesting the Swiss Ministry of Foreign Affairs to transmit the documents to the American Interests Section of the Swiss Embassy in Tehran. There is one defendant to be served in this case: the Islamic Republic of Iran. The American Interests Section should transmit the Order, Memorandum Opinion, and Notice of Default Judgment to the Iranian Ministry of Foreign Affairs under cover of one diplomatic note utilizing the language provided in the enclosed instructions.

Transmittal should be done in a manner which enables the Embassy to confirm delivery. The American Interests Section should execute certifications of the diplomatic notes, which will be forwarded by the Department of State to the requesting court in the United States.

Enclosed is one appropriate part of a message the Embassy received from the Department of State as well two sets of documents for each defendant.

The Embassy would appreciate being informed of the date the American Interests Section of the Swiss Embassy in Tehran receives the documents as well as the date the Interests Section forwards the documents to the Iranian authorities.

SPP's assistance is much appreciated.



**BEGIN TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC REPUBLIC OF IRAN:**

The Embassy of Switzerland, Foreign Interests Section in Tehran refers the Ministry of Foreign Affairs of the Islamic Republic of Iran to the lawsuit *Dana Marie Bernhardt, et al. v. Islamic Republic of Iran*, 1:18-cv-02739 in the U.S. District Court for the District of Columbia. The Islamic Republic of Iran is a defendant in this case. The Foreign Interests Section transmits an Order and Memorandum Opinion herewith. The U.S. District Court for the District of Columbia has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Sections 1608(a)(4) and (e).

In addition to the Order and Memorandum Opinion the Foreign Interests Section is enclosing a Notice of Default Judgment, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States. Please note that under U.S. law, attachment and execution proceedings pursuant to Title 28, United States Code, Section 1610 may commence after a reasonable period of time from the giving of notice of the Default Judgment.

The Foreign Interests Section has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

**Attachments:**

1. Order, Memorandum Opinion, and Notice of Default Judgment
2. Translations

**END TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC REPUBLIC OF IRAN**

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland )  
Bern, Canton of Bern ) SS:  
Embassy of the United States of America )

I certify that the annexed document bears the genuine seal of the Swiss Federal Department of Foreign Affairs.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.



\_\_\_\_\_  
(Signature of Consular Officer)

\_\_\_\_\_  
Scott M. DRISKEL  
(Typed name of Consular Officer)

\_\_\_\_\_  
Consul of the United States of America  
(Title of Consular Officer)

\_\_\_\_\_  
November 7, 2023  
(Date)



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

35160

Federal Department of Foreign Affairs FDFA

K. 346-01-02-01-USA/IRAN

The Federal Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and refers to Cons Note No. 28128 dated September 25, 2023 regarding judicial assistance and has the honor to convey following documents of the U.S. Interests Section of the Embassy of Switzerland in Tehran:

Judicial Assistance:

**Dana Marie Bernhardt, et al. v. Islamic Republic of Iran, 1:18-cv-02739**

- Note 1076-IE addressed to the Government of the Islamic Republic of Iran

dated October 10, 2023 and proof of service, dated October 11, 2023 as well as the certification by the Swiss Federal Chancellery dated November 01, 2023.

The section has received the above mentioned documents on October 09, 2023. It has transmitted these to the Iranian Ministry of Foreign Affairs together with its diplomatic note on October 11, 2023. The reception of the mentioned documents was refused the same day by the Iranian Ministry of Foreign Affairs.

The Federal Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of United States of America the assurances of its highest consideration.

Berne, November 1, 2023

Enclosure(s) mentioned



To the  
Embassy of the  
United States of America

Berne



SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland )  
Bern, Canton of Bern ) SS:  
Embassy of the United States of America )

I certify that the annexed document is executed by the genuine signature and seal of the following named official who, in an official capacity, is empowered by the laws of Switzerland to execute that document.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Alessandra MANOIERO

(Typed name of Official who executed the annexed document)



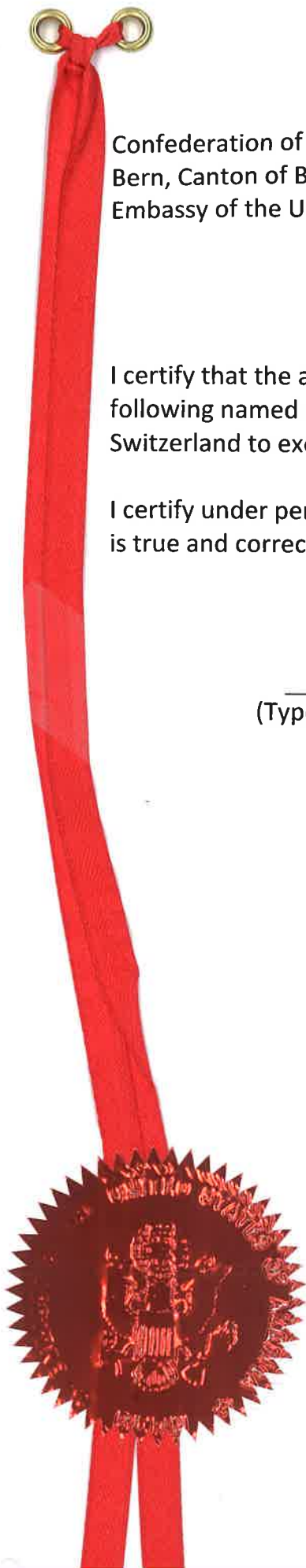
(Signature of Consular Officer)

Scott M. DRISKEL

(Typed name of Consular Officer)

Consul of the United States of America  
(Title of Consular Officer)

November 7, 2023  
(Date)





schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Embassy of Switzerland in Iran  
Foreign Interests Section

No. 1076-IE

The Embassy of Switzerland, Foreign Interests Section in Tehran, presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Iran, and has the honor to refer the Ministry to the lawsuit *Dana Marie Bernhardt, et al. v. Islamic Republic of Iran*, 1:18-cv-02739 in the U.S. District Court for the District of Columbia. The Islamic Republic of Iran is a defendant in this case. The Embassy transmits an Order and Memorandum Opinion herewith. The U.S. District Court for the District of Columbia has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4) and (e).

In addition to the Order and Memorandum Opinion, the Embassy is enclosing a Notice of Default Judgment, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States. Please note that under U.S. law, attachment and execution proceedings pursuant to Title 28, United States Code, Section 1610 may commence after a reasonable period of time from the giving of notice of the Default Judgment.

The Embassy has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

The Embassy of Switzerland, Foreign Interests Section, avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration.

Tehran – October 10, 2023



Attachments:

1. Order, Memorandum Opinion, and Notice of Default Judgment
2. Translations

**Ministry of Foreign Affairs  
Islamic Republic of Iran  
Department of American Affairs  
Tehran**

I, Pia Müller, Deputy Head of the Foreign Interests Section of the Embassy of Switzerland in Iran, herewith that this is a true copy of Diplomatic Note No. 1076-IE, dated October 10, 2023. The delivery of this note and its enclosures was attempted on October 11, 2023, but the Iranian Ministry of Foreign Affairs refused its acceptance.

  
Pia Müller

Deputy Head of the Foreign Interests Section



Tehran – October 11, 2023



**APOSTILLE**

(Convention de La Haye du 5 octobre 1961)

1. Country: SWISS CONFEDERATION

This public document

2. has been signed by Pia Müller

3. acting in the capacity of Deputy Head of the Foreign Interests Section

4. bears the seal/stamp of

Embassy of Switzerland US Interests Section Tehran

Certified

5. at Berne

6. the 01 November 2023

7. by Alessandra Manciero  
functionary of the Swiss federal Chancellery

8. No 027186

9. Seal/stamp:

Swiss federal Chancellery

10. Signature:





ترجمه غیر رسمی  
سفارت سوئیس  
قسمت حافظ منافع خارجی

شماره IE-1076

سفارت سوئیس، قسمت حافظ منافع خارجی در تهران، ضمن اظهار تعارفات خود به وزارت امور خارجه جمهوری اسلامی ایران، احتراماً توجه آن وزارتخانه محترم را به دعوی حقوقی تحت عنوان Dana Marie Bernhardt و دیگران علیه جمهوری اسلامی ایران، تحت پرونده مدنی شماره 1:18-cv-02739 که در دادگاه منطقه ای ایالات متحده آمریکا، منطقه کلمبیا مفتوح میباشد، جلب می نماید. جمهوری اسلامی ایران طرف خوانده در این پرونده می باشد. سفارت سوئیس بنا به درخواست دادگاه ناحیه ای ایالات متحده، ناحیه کلمبیا، یک فقره حکم و حکم غیر رسمی را ایفاد می دارد. برابر مقررات فصل 28 بخش 1608 بند (a)(4) و (e) مجموعه قوانین ایالات متحده، این یادداشت به منزله ابلاغ مدرک مذکور به دولت جمهوری اسلامی ایران تلقی می گردد.

سفارت علاوه بر حکم و حکم غیر رسمی، یک فقره اطلاعیه حکم غیابی که توسط شاکی دائر بر خلاصه ماهیت پرونده و مشتمل بر رونوشتی از مجموعه قوانین ایالات متحده آمریکا در خصوص دادخواست علیه دولتهای خارجی تهیه شده است، را به پیوست ایفاد می دارد. لطفاً توجه داشته باشید که متعاقب مقررات فصل 28 بخش 1610 مجموعه قوانین ایالات متحده آمریکا، اقدامات اجرائی و حکم می توانند بعد از مدت زمان معقول از دادن اطلاع از حکم قصور، آغاز گردد.

سفارت بدینوسیله اشعار می دارد که بموجب قوانین ایالات متحده آمریکا، هر گونه دفاع مربوط به قلمرو قضائی و اداری و یا دفاع دیگری، از جمله عنوان نمودن مصونیت دولت ها، باید در مقابل دادگاه صورت گیرد. از این رو، مشورت با یک مشاور حقوقی در ایالات متحده آمریکا توصیه می گردد. وزارت امور خارجه ایالات متحده آمریکا آماده گفتگو با مشاور در مورد قوانین مربوطه میباشد. دولت ایالات متحده آمریکا از طرفین این پرونده نبوده و نماینده هیچ یک از طرفین نخواهد بود.

سفارت سوئیس، قسمت حافظ منافع خارجی، موقع را مغتنم شمرده مراتب احترامات فائقه خود نسبت به وزارت امور خارجه جمهوری اسلامی ایران را تجدید می نماید.

تهران - بتاریخ هجدهم مهر ماه ۱۴۰۲ (۱۰ اکتبر ۲۰۲۳)



پیوست: ۱- حکم، حکم غیر رسمی و اطلاعیه حکم غیابی  
۲- ترجمه ها

اداره امور آمریکا  
وزارت امور خارجه  
جمهوری اسلامی ایران  
تهران