

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMOCRATIC NATIONAL COMMITTEE,

Plaintiff,

- against -

THE RUSSIAN FEDERATION, ET AL.,

Defendants.

USDC SDNY
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DOC#
DATE FILED: 07/17/18

18-cv-3501 (JGK)

MEMORANDUM OPINION
& ORDER

JOHN G. KOELTL, District Judge:

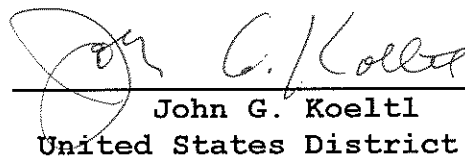
The Democratic National Committee (the "DNC") moves to serve Jared C. Kushner by first class mail. The DNC has not yet established the impracticability of other means of serving Kushner. See Fed. R. Civ. P. 4(e)(1) (permitting service in accordance with the law of the forum state or the law of the state in which service is made); N.Y. C.P.L.R. § 308(5) (permitting service "in such manner as the court . . . directs" only "if service is impracticable under paragraphs one, two and four of" section 308). For example, the DNC attempts to justify the impracticability of serving Kushner at his New York residence by citing an affidavit that discusses the DNC's inability to serve Paul J. Manafort, Jr., at Manafort's New York home. See Dkt. No. 141, at 2 (citing Exhibit D); Dkt. No. 141-4 (Exhibit D); see also N.Y. C.P.L.R. §§ 308(2) (permitting service by delivering the summons and complaint to "a person of suitable age and discretion at the . . . usual place of abode of

the person to be served" and mailing the summons and complaint to the person to be served (emphasis added)), 308(4) (permitting service by affixing the summons and complaint to the door of the "usual place of abode within the state of the person to be served" and mailing the summons and complaint to the person to be served only when service under paragraphs one and two of section 308 is impracticable (emphasis added)). The motion to serve Kushner by first class mail is therefore **denied without prejudice to renewal**. The Clerk is directed to close the motion at docket number 141.

The Court also notes that service of process is intended to provide notice of a lawsuit to a defendant so that the issues of the case can be joined and the lawsuit decided on its merit or lack of merit. Service is not intended to be a game for the serving party or the party to be served. The Court is confident that the DNC's counsel can contact Kushner's counsel and arrange a mutually convenient means to effectuate service.

SO ORDERED.

Dated: New York, New York
July 17, 2018



John G. Koeltl
United States District Judge