

SERVICE PURSUANT TO BANKRUPTCY RULE 7004

1.0 Service Pursuant to Bankruptcy Rule 7004

The court will require service pursuant to Bankruptcy Rule 7004 for all adversary proceedings, motions to avoid liens, motions to redeem, and claim objections against an insured depository institution and the United States and for any other extraordinary relief sought against an insured depository institution, the United States, the State of Ohio and any corporate entity, including but not limited to motions for violation of the stay or for violation of the discharge injunction. *See* Bankruptcy Rules 3007(a)(2), 7004(a)(1), 7004(b), 7004(h) and 9014(b) and Federal Rule of Civil Procedure 4(c).

1.1 Insured Depository Institutions

See Bankruptcy Rules 7004(h) concerning service upon an insured depository institution. **The court will require service upon an insured depository institution by certified mail addressed to the attention of a specific officer.** The court will also require in such instances that the specific name of an officer and the officer's title be included as part of the service.

The following exceptions allow service on an insured depository institution to be made by first-class mail:

- the institution has appeared through its attorney; or
- the institution has waived **in writing** its entitlement to service by certified mail and has designated an officer to receive service.

Counsel who have appeared on behalf of an insured depository institution, although receiving electronic notice through ECF as a registered participant, must be served by first class mail to meet the requirements of Bankruptcy Rule 7004(h). *See* ECF Procedure 2(e). Information on whether an entity is an FDIC bank can be found at: <https://research.fdic.gov/bankfind/>.

1.2 United States and Its Agencies

See Bankruptcy Rules 7004(b)(4) and 7004(b)(5) and Federal Rule of Civil Procedure 4(i) concerning service upon the United States and its agencies. **The court will require service upon the United States by either first class, certified or registered mail addressed to:**

- 1) the civil-process clerk at the United States attorney's office;
- 2) the Attorney General of the United States at Washington, D.C.; and
- 3) the agency.

The receptionist in each of the United States Attorney's offices in this District (i.e. Cincinnati, Dayton, Columbus) accepts service of process for the United States Attorney as the

“civil process clerk.” The United States Attorney’s preference however is service on the office (civil process clerk) where the matter is pending. The United States Attorney’s office in Dayton is located at 200 W. Second Street, Suite 602, Dayton, Ohio 45402.

The Internal Revenue Service has registered its mailing address for where notices should be sent with the Clerk in accordance with Bankruptcy Rule 5003(e). *See* Clerk’s Register at <https://www.ohsb.uscourts.gov/clerks-register>.

1.3 State of Ohio and Its Departments, Offices and Institutions

See Bankruptcy Rule 7004(b)(6), Federal Rule of Civil Procedure 4(j) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(K) concerning service upon the State of Ohio. **The court will require service upon the State of Ohio, its departments, offices and institutions, by either first class, certified or express mail addressed to:**

- 1) the attention of the officer, identified by both name and title, responsible for administration of the department, office or institution; or
- 2) the Ohio Attorney General and the department, office or institution at the address registered with the Clerk or, if a proof of claim has been filed, at the address where notices should be sent.

The State of Ohio has registered mailing addresses for various state entities with the Clerk in accordance with BR 5003(e). *See* Clerk’s Register at <https://www.ohsb.uscourts.gov/clerks-register>.

1.4 Municipal Corporation or other Governmental Organizations

See Bankruptcy Rule 7004(b)(6), Federal Rule of Civil Procedure 4(j) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(N) concerning service upon municipal corporations and other governmental organizations. **The court will require service upon municipal corporations or upon any of its offices, departments, agencies, by either first class, certified or express mail addressed to:**

- 1) the attention of the officer, identified by both name and title, responsible for administration of the department, office, agency or institution; or
- 2) by serving the city solicitor or other comparable legal officer.

1.5 Corporations

See Bankruptcy Rule 7004(b)(3), Federal Rule of Civil Procedure 4(h) and Ohio Rules of Civil Procedure 4.1(A) and 4.2(F) concerning service upon corporations. **The court will require service upon corporations either by first class mail to the attention of an officer or agent of the corporation or by certified or express mail to any of a corporation’s usual places of business.**