

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELISABETH REGINA MARIE)	
GABRIELE VON PEZOLD, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Civil No. 21-cv-02004 (APM)
)	
REPUBLIC OF ZIMBABWE,)	
)	
Respondent.)	

ORDER

Petitioners have made a complete mess of their efforts to serve Respondent Republic of Zimbabwe. Frankly, the court is surprised that Petitioners have found it so difficult to comply with the service provisions of the Foreign Sovereign Immunities Act and the abundant caselaw interpreting it.

All that being said, the D.C. Circuit has instructed that dismissal “for failure to prosecute due to a delay in service is appropriate only when there is no reasonable probability that service can be obtained or there is a lengthy period of inactivity.” *Angellino v. Royal Family Al-Saud*, 688 F.3d 771, 775 (D.C. Cir. 2012) (alterations and internal quotation marks omitted). On October 24, 2022, the court by Minute Order granted Petitioners’ request to complete service by January 6, 2023. According to a proof of service filed on January 17, 2023, Petitioners effected service on Respondent on January 3, 2023, pursuant to 28 U.S.C. § 1608(a)(3). Return of Service, ECF No. 52. Because Petitioners’ most recent effort at service complies with the court’s deadline,

the court declines to dismiss this matter for failure of service.¹ Respondent also has not shown any prejudice from the, albeit lengthy, delay in service.

For the foregoing reasons, Respondent's Motion to Dismiss, ECF No. 36, is denied, and Petitioners' Cross-Motion for Additional Time, ECF No. 49, is denied as moot. To be clear, nothing in this Order should be interpreted as expressing an opinion as to the adequacy of Petitioners' recent attempt to effect service.

Dated: January 24, 2023


Amit P. Mehta
United States District Judge

¹ Admittedly, when Petitioners moved for additional time, they did so to complete service under § 1608(a)(4), not § 1608(a)(3). *See* Pet'rs' Mot. for Extension of Time to Service Resp't, ECF No. 34. The court's Minute Order did not, however, specify that the additional time was for service pursuant only to § 1608(a)(3).