UNITED STATES DISTRICT COURT

for the

_____ District of _____

	)	
	)	
	)	
	)	
Plaintiff(s)	)	
v.	)	Civil Action No.
	)	
	)	
	)	
	)	
	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

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UNITED STATES DISTRICT COURT

for the

_____ District of _____

<table>
<tr><td>_____
<i>Plaintiff</i>
v.
_____
<i>Defendant</i></td><td>)
)
)
)
)</td><td>Civil Action No.</td></tr>
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NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: _____

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within _____ days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

_____
Signature of the attorney or unrepresented party

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

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UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____	)
Plaintiff	)
v.	) Civil Action No.
_____	)
Defendant	)

WAIVER OF THE SERVICE OF SUMMONS

To: _____

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

_____
Signature of the attorney or unrepresented party

_____
Printed name of party waiving service of summons

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

United States District Court
for the
<_____> DISTRICT OF <_____>

<Name(s) of plaintiff(s)>,	)
	)
Plaintiff(s)	)
	)
v.	)
	) Civil Action No. <Number>
<Name(s) of defendant(s)>,	)
	)
Defendant(s)	)
	)

COMPLAINT FOR NEGLIGENCE

1.   **<Statement of Jurisdiction.   See Form 7.>**
        <*a.   For diversity-of-citizenship jurisdiction.*>   The plaintiff is [a citizen of State A] [a corporation incorporated under the laws of State A with its principal place of business in State A].   The defendant is [a citizen of State B] [a corporation incorporated under the laws of State B with its principal place of business in State B].   The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.
        <*b.   For federal-question jurisdiction.*>   This action arises under [the United States Constitution; specify the article or amendment and the section] [a United States treaty; specify] [a federal statute, ___U.S.C. § ___].
        <*c.   For a claim in the admiralty or maritime jurisdiction.*>   This is a case of admiralty or maritime jurisdiction.   **<*To invoke admiralty status under Rule 9(h) use the following***:   This is an admiralty or maritime claim within the meaning of Rule 9(h).>

2.   On <Date>, at <Place>, the defendant negligently drove a motor vehicle against the plaintiff.

3.   As a result, the plaintiff was physically injured, lost wages or income, suffered physical and mental pain, and incurred medical expenses of $ <_____> .

        Therefore, the plaintiff demands judgment against the defendant for $ <_____> , plus costs.

 Date: <Date>   <Signature of the attorney or unrepresented
                                                    party>

                                                    _____
                                                    <Printed name>
                                                    <Address>
                                                    <E-mail address>
                                                    <Telephone number>

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