

**INSTRUCTIONS FOR COMPLETING
NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS
and
WAIVER OF THE SERVICE OF SUMMONS**

The ***Notice of a Lawsuit and Request to Waive Service of a Summons*** is used to notify the defendant(s) they are being sued. It also requests that the defendant(s) waive formal service of the summons and complaint.

If the defendant **waives** service, **they will return the signed** ***Waiver of the Service of Summons*** form to plaintiff. The defendant must file a response to the complaint within 60 days from the date the notice was sent.

If the defendant **does not return a signed waiver**, the plaintiff must formally serve the summons and complaint.



The Notice of a Lawsuit and Request cannot be used if suing the United States (its agencies, corporations, or officers) or a state, local or foreign government.

Step by Step Instructions:

1. Complete the ***Notice of a Lawsuit and Request to Waive Service of a Summons*** form.
2. Complete the ***Waiver of the Service of Summons*** form.
3. Send to the defendant by regular mail or other reliable means:
 - **1** copy of the Notice and Complaint
 - **2** copies of the Waiver
4. Stamped, self-addressed envelope.
5. If the defendant agrees to waive service, they will return the signed waiver to plaintiff in the provided envelope. **The plaintiff must file a copy of the signed waiver with the Court.**

INSTRUCTIONS FOR COMPLETING NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS and WAIVER OF THE SERVICE OF SUMMONS

Use the example below as guide to complete the **Notice of a Lawsuit and Request to Waive Service of the Summons** and **Waiver of the Service of Summons** forms.

Notice of a Lawsuit and Request to Waive Service of Summons

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF MICHIGAN

JANE SMITH **PLAINTIFF NAME**)
Plaintiff)
v.)
JOHN DOE **DEFENDANT NAME**)
Defendant)

Civil Action No. 18-12345 **CASE NUMBER**

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: JOHN DOE **NAME OF DEFENDANT - If suing more than one defendant, change name and address on each form**

(Name of the defendant or - if the defendant is a corporation, partnership, or other entity)

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. **Number of days the defendant has to return the waiver of service**

This is not a summons, or an attempt to collect fees or costs. 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 **45** 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, 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 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 the 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: 1/1/2019 **DATE REQUEST SENT**

Jane Smith
Signature of the attorney or unrepresented party

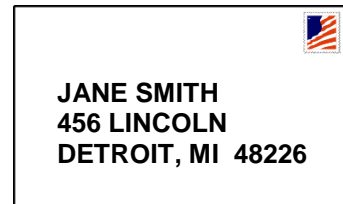
Jane Smith **PLAINTIFF NAME**
Printed name

456 Lincoln **PLAINTIFF ADDRESS**
Address

Detroit, MI 48226
E-mail address

(313) 777-7777 **PLAINTIFF TELEPHONE**
Telephone number

! Don't forget to include
Stamped, Self-Addressed Envelope



Waiver of the Service of Summons
(Send 2 copies to the defendant)

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF MICHIGAN

JANE SMITH **PLAINTIFF NAME**)
Plaintiff)
v.)
JOHN DOE **DEFENDANT NAME**)
Defendant)

Civil Action No. 18-12345 **CASE NUMBER**

WAIVER OF THE SERVICE OF SUMMONS

To: JOHN DOE **DEFENDANT NAME OR NAME OF PLAINTIFF'S ATTORNEY**

(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, **Date Notice & Request Sent**, 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 1/1/2019, 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.