

1 [Firm Name]
[Firm Address]
2 [Firm Phone Number]
[Firm Fax]
3 [Firm Email]
[Attorney Name and Bar Number]
4 Attorney for Plaintiff(s)

5 [State Trial Court System], [Location] County

6 **[Plaintiff Name(s)],**
7 Plaintiff(s),
8 v.
9 **[Defendant(s)],**
10 Defendant(s).

Case No.
WAIVER OF SERVICE OF SUMMONS

11 **TO:** [Name of Plaintiff's attorney]

12
13 I acknowledge receipt of your request that I waive service of a summons in the action of
14 [Caption of Action], which is case number [Docket Number] in the [Trial Court] of the
15 State of [State] in and for the County of [County]. I also have received a copy of the
16 complaint in the action, two copies of this instrument, and a means by which I can return
17 the signed waiver to you without cost to me.

18
19 I agree to save the cost of service of a summons and an additional copy of the complaint
20 in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served
21 with judicial process in the manner provided by the [State] Rules of Civil Procedure.

22
23 I (or the entity on whose behalf I am acting) will retain all defenses or objections to the
24 lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
25 in the summons or in the service of the summons.

26 I understand that a judgment may be entered against me (or the party on whose behalf I
27 am acting) if an answer or motion under [local civil rule] is not served upon you within
28

1 [number] (#) days after [Date Request Was Sent], or within [Number] (#) days after that
2 date if the request was sent outside the United States.

3
4
5 Dated this [Day] of [Month], [Year].

6
7 By _____
8 [Defendant]
9 [Optional as [title] of [defendant
10 corporation]]

11 *To be printed on reverse side of the waiver form.*

12 **DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS**

13 [Local civil rules] of the [State] Rules of Civil Procedure require certain parties to cooperate in saving unnecessary
14 costs of service of the summons and a pleading. A defendant located in the United States who, after being notified of
15 an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be
16 required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

17 It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the
18 action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action
19 or over its person or property. A party who waives service of the summons retains all defenses and objections (except
20 any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or
21 to the place where the action has been brought.

22 A defendant who waives service must, within the time specified on the waiver form, serve on the plaintiff's attorney
23 (or unrepresented plaintiff) a response to the complaint and also must file a signed copy of the response with the
24 court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant.
25 By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when
26 the request for waiver of service was received.