

NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE FOR SUMMONS

TO: (A) _____
as (B) _____ of (C) _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed.) A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the District of Utah and has been assigned docket number (D) _____.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (E) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclosed a stamped and addressed envelope (or other means of cost-free return) for your use. A copy of the waiver is attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action then will proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not within the boundaries of any judicial district of the United States.)

If you do not return the signed waiver within the time indicated, I (i) will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and, (ii) to the extent authorized by those Rules, will ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff this _____ day of _____, 199____.

Signature of Plaintiff's Attorney
or Plaintiff Pro Se

LEGEND

- A - Name of individual defendant or name of officer or agent of corporate defendant
- B - Title or other relationship of individual to corporate defendant
- C - Name of corporate defendant, if any
- D - Civil case number
- E - Addressees must be given at least 30 days (60 days if in foreign country) to return waiver.

WAIVER OF SERVICE OF SUMMONS

TO: _____
(Name of Plaintiff's Attorney of Plaintiff Pro Se)

I, _____, acknowledge receipt of your request that I waive
(Name of Defendant)
service of a summons in the case of _____ v.
_____, case number _____, in
the United States District Court for the District of Utah. I also have received a (i) copy of the complaint in the
action, (ii) two copies of this form, and (iii) a means by which I can return the signed waiver to you without
cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit
by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner
provided by Federal Rule of Civil Procedure 4.

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

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if
an answer or motion under Federal Rule of Civil Procedure 12 is not served upon you within sixty (60) days
after _____ (date request was sent), or within ninety (90) days after that date if the
request was sent outside the United States.

Date

Printed/Typed Name:
AS _____ OF _____

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Federal Rule of Civil Procedure 4 requires certain parties to cooperate in avoiding unnecessary costs of service
of the summons and complaint. A defendant located in the United States who, after being notified of an action and
asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear
the cost of such service unless good cause be shown for its failure to sign and return the waiver.

A party's belief that the complaint (i) is unfounded, (ii) that the action has been brought in an improper place,
or (iii) that the action has been brought in a court that lacks jurisdiction over the subject matter of the action or over
its person or property, does not constitute good cause for failure to waive service. Parties who waive service of
summons retain all defenses and objections (except any relating to the summons or to the service of the summons) and
later may object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must (i) serve, within the time specified on the waiver form, on the plaintiff's
attorney or plaintiff pro se a response to the complaint, and (ii) file a signed copy of the response with the court. If the
response is not served within this time, a default judgment may be taken against that defendant.