FILING A CIVIL COMPLAINT

The attached Civil Complaint Packet is for filing a civil case. The packet includes general instructions, frequently asked questions, and the forms necessary to initiate a lawsuit. The Clerk's Office is available to answer general questions and provide assistance in completing the forms; however, the Clerk's Office is not available to give any type of legal advice under any circumstances. Pro Se filers must adhere to the Federal Rules of Civil Procedure and the Local Rules. Contact information and Federal and Local Rules can be found on the "Filing without an attorney" Webpage.

Please note: The civil cover sheet is a Web-based form and should be completed online. A civil cover sheet must accompany your Civil Complaint. You can find the civil cover sheet at http://www.mow.uscourts.gov/JS-44/cvcover.html

WESTERN DISTRICT OF MISSOURI
Office of the Clerk

Paige Wymore-Wynn

Acting Clerk of Court

TO ANYONE WISHING TO FILE A COMPLAINT ON THEIR OWN BEHALF

The following instructions have been compiled to assist anyone wishing to file a complaint on their own behalf in this court. We have attempted to simplify procedures; however **Clerk's Office personnel cannot and will not act as lawyers nor give advice as counsel.** You may need to obtain more specific information from our local rules as well as the Federal Rules of Civil Procedure. A copy of Rule 4 is attached. The complete Federal Rules of Civil Procedure are available at any public library.

PRO SE: Pro Se status merely means that you are representing yourself and acting on your own behalf without an attorney. The following requirements must be met in order to file a Pro Se complaint:

1. **Filing Fee**: Refer to the fee schedule to determine the filing fee required when filing a complaint. http://www.mow.uscourts.gov/district/rules.html

OR

Application to Proceed Without Payment of Fees: If you believe that you are without the means to pay the filing fees, costs or security to file this action, you may request the Court to permit you to proceed without the payment of fees, by submitting the Application For Leave To File Action Without Payment of Fees and the Affidavit of Financial Status. Both the application and the supporting affidavit must be completed fully. In order that you may swear to the truthfulness of these documents you should have the affidavit notarized or not sign it until you return to the Clerk's Office (with all documents necessary to file the action**). If your application for proceeding without payment of fees is granted by the court, the court may order that the preparation of the service forms (Summons and United States Marshals Form USM 285) be completed by the Clerk's Office and delivered to the U.S. Marshal for service, or that the preparation be done by you and then be returned to the Clerk's Office for delivery to the U.S. Marshal for service.** If your application is denied, you will be required to pay the filing fee and carry out the instructions listed in step four below, or your complaint will not be filed. (**See Attachment "Application.**")

Affidavit of Financial Status: This form is to be completed when submitting the Application for leave to file action without payment of fees. If you don't pay the filing fee, you must complete this form. (**See Attachment "Affidavit."**)

2. **Civil Cover Sheet**: A Cover Sheet, form JS-44, is **required** and must be filled out completely. The civil cover sheet is located on the court website, www.mow.uscourts.gov, under "Forms" and "District Court Forms."

3. Complaint: Your complaint should be submitted to the court by completing the attached civil complaint form. This form may be typed or printed; however, it must be legible and clearly stated so that it can be easily understood. (**See Attachment "Complaint."**)

4. Civil Summons: The Civil Summons form must be completed **in duplicate** by the plaintiff or plaintiff's attorney and may be presented to the Clerk's Office at the time of filing of the complaint or submitted at a later date. You have 90 days after your complaint is filed to serve the summons on your defendant(s). ***Note**: The Civil Summons **must be signed by the Clerk and bear the seal of the Court**, identify the court and the parties, be directed to the defendant, and state the name and address of the plaintiff's attorney or, if unrepresented, of the plaintiff.* (***See*** **attached "Summons" and instructions for completion of form and service. The Civil Summons may also be completed online at www.mow.uscourts.gov under "Forms" and "District Court Forms."**)

5. Application for Appointment of Counsel. If you are unable to obtain counsel to represent you after making a good faith effort to obtain their services, you may complete the attached Application for Appointment of Counsel and submit it to the court with the above documents or after complaint has been filed. You are reminded that you must contact at least three attorneys in person to represent you before you request the court to appoint counsel for you. Many of these requests are denied. You have no legal right to an attorney in a civil case. You should proceed with the preparation of your own case until such time as an attorney might be assigned to you. (**See Attachment "Motion for Appointment of Counsel."**)

6. Notice and Acknowledgment for Service by Mail. This document may be completed and sent with the summons and Complaint ONLY if serving by certified mail, pursuant to F.R.C.P. 4(e)(1). (**See Attachment "Notice and Acknowledgment for Service by Mail."**)

Effective October 1, 1999, cases filed in the Western District of Missouri have been maintained electronically. The electronic version of the file is the official record of the court and is available to the public through remote electronic access. Any subscriber to the court's CM/ECF system and/or to the Judiciary's PACER (Public Access to Court Electronic Records) program will be able to read, download, store and print the full content of electronically filed documents, with a few exceptions. When you submit a pleading to us, it will be scanned into the file, and the original will be retained until final disposition of the case, inclusive of any appeals. Please keep this process in mind when submitting material for filing. All pleadings should be legibly handwritten in ink or typed. If you must use the backs of your paper, please make sure that the print does not show through on the other side because this makes the scanning process less efficient.

The following personal data identifiers **must** be partially redacted from the pleading: Social Security numbers, financial account numbers, dates of birth and names of minor children (**for definition of redacted document, see "Helpful Legal Terms" in this packet**):

Social Security numbers. If an individual's social security number must be included in a pleading or filing, only the last four digits of that number should be used.

Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

Financial account numbers. If financial account numbers are relevant and must be disclosed, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may do the following:

A. file an unredacted document under seal with the notation "SEALED PURSUANT TO E-GOVERNMENT ACT of 2002" accompanied by a redacted copy of the filing for the public file; or
B. file a redacted version of the document accompanied by a reference list that is filed under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in the redacted filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended by the filer as of right.

If a redacted document is filed, it is your sole responsibility to be sure that the redaction of personal identifiers is done. The clerk will not review each pleading for redaction.

When you wish to file documents in your case, you must mail the **ORIGINAL** to the Clerk of the Court. Unless otherwise notified by the court, you also must mail a copy of all documents you file in the future to each defendant or his/her attorney and include on the **ORIGINAL** document filed with the court a certificate stating the date on which you mailed a true and correct copy to each defendant or his/her attorney.

If you wish to view the electronic version of your case, you may register with the Pacer Service Center for a login and password to access the system. You may register with Pacer at 1-800-676-6856 or online at http://pacer.psc.uscourts.gov. Please refer to the Pacer website for information on the fees assessed for viewing documents.

You must also keep the court informed of any change in your address. Failure to do so may result in dismissal of your case.

A helpful resource available to you is the Western District of Missouri's web site at www.mow.uscourts.gov. Also, a full version of the Privacy Policy of the Western District of Missouri is available at http://10.209.24.105/district/cm/privacy.pdf.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
Office of the Clerk

Paige Wymore-Wynn
Acting Clerk of Court

TO PRO SE LITIGANTS:

The Clerk's Office cannot render any type of legal advice to any parties filing suits in this or any other court. The Clerk's Office will provide general assistance with the filing of necessary papers and pleadings, but under no circumstances can we give any type of legal advice as to what should or should not be done in regards to the prosecution or defense in a civil action or how it should be done. Such legal action by the Clerk's Office is strictly prohibited.

Pro Se litigants are reminded that litigation in the federal courts is a complex process. It is the responsibility of the litigants to follow the Federal Rules of Civil Procedure and the Local Rules. The Clerk's Office cannot assume this responsibility for any litigants.

Paige Wymore-Wynn
Acting Clerk, United States District Court

Frequently Asked Questions
for Filing a Complaint on Your Own Behalf
and Helpful Legal Terms

Questions and Answers

Please refer to the Helpful Legal Terms that follow these Questions and Answers for the meaning of any legal terms that you do not understand.

Question: Can I file a case on my own behalf without an attorney?

Answer: **Yes, filing a case on your own behalf without an attorney is referred to as filing "Pro Se." You should be aware that if you proceed pro se, you will be required to follow the same Court rules as an attorney.**

Question: How do I file a case on my own behalf (Pro Se)?

Answer: **A case is started by filing a complaint. You should refer to the Federal Rules of Civil Procedure and this Court's Local Rules for information about the proper form of your complaint. The Court requires a civil cover sheet (available from the Clerk's Office) and a complaint that includes an original signature and your address. You must also either pay the filing fee or request the Court to allow you to file the case without paying the filing fee. This is referred to as proceeding in forma pauperis ("IFP").**

Question: Can I file a case without paying the filing fee?

Answer: **Maybe. You must submit an IFP motion and an affidavit in which you will tell the Court about your income and other financial information. These forms are available from the Clerk' Office.**

Question: Can I pay the filing fee in installments?

Answer: **No, you must pay the full filing fee or file an IFP motion and affidavit.**

Question: If I file a case and request to proceed IFP, will that stop the running of the statute of limitations or other deadlines?

Answer: **Yes, if your complaint is accompanied by a completed IFP motion and affidavit the statute of limitations or other deadlines will be stopped.**

Question: What happens after I am assigned a case number?

Answer: **If you paid the filing fee, you will need to have a copy of the complaint delivered to each person you have named as a defendant. The way in which a copy of the complaint is delivered to the defendant(s) is called "service." If you did not pay the filing fee, the Court will review your IFP motion and decide if you can proceed without paying the filing fee. The Court will also review your complaint to determine whether a copy of the complaint should be delivered to the defendant(s). If the Court decides that you do not have to pay the filing fee and determines that the complaint should be delivered to the defendant(s), the Clerk's Office will have a copy of your complaint delivered to the defendant(s).**

Question: Can someone tell me before I decide to pay the filing fee whether the Court will allow me to proceed IFP?

Answer: **No. Eligibility for IFP will be decided only when a Judge rules on your motion.**

Question: How long will it take the Court to determine if I can proceed IFP?

Answer: **Usually, between thirty (30) and sixty (60) days.**

Question: What if my IFP motion is denied?

Answer: **The Court will notify you in a written order that your motion has been denied and you will be given additional time to pay the filing fee if you choose to do so. If the fee is not paid, your case will be closed.**

Question: Can I add claims to my complaint after I have filed it?

Answer: **Yes, if the defendant has not filed anything in response to your complaint, you may add more claims. This is called amending your complaint. If the defendant(s) has replied to your complaint, then you must receive permission from the Court to amend.**

Question: Once the defendant(s) receives a copy of the complaint, how long does he/she have to reply?

Answer: **The defendant(s) has twenty (20) days to respond if the plaintiff delivers the complaint with a notice that a lawsuit has been filed. This notice is called a summons. If the defendant(s) agrees that the complaint can be delivered without a summons, then he/she has sixty (60) days from the date of mailing to respond. If the defendant is the United States government, they have sixty (60) days to respond.**

Question: After filing my case, how do I go about getting facts and information from the defendant(s) so that I can prepare for trial?

Answer: **The process of getting facts and information is called discovery. Federal Rule of Civil Procedure 26 controls discovery and you should refer to this rule for the methods you can use to obtain facts and information.**

Question: I tried to file a motion with the Court but it was returned to me because it did not contain a certificate of service. What is a certificate of service?

Answer: **Each document that you file with the Court must contain your signature and a certificate of service. A certificate of service indicates to the Court that you have delivered a copy of the document to the other parties. The certificate of service states the name and address of the attorney or party served with the document, the manner of service, and the date of service.**

Question: Can Clerk's Office personnel answer legal questions or provide legal advice?

Answer: **No, Clerk's Office personnel may not give legal advice. The Clerk's Office will not be able to advise you on such things as:**

-explaining the meaning of rules
-answering questions as to whether this is the proper Court in which to file your complaint
-commenting on your case
-recommending how you should proceed
-predicting a decision a judicial officer might make
-answering questions as to how long you have to file a complaint in this Court.

Question: Will the Court provide me with an attorney?

Answer: **The Court does not have to appoint you counsel and in most cases it does not. You can, however, ask the Court to appoint you counsel by filing a motion for appointment of counsel. A Motion for Appointment of Counsel form is provided to you in this packet. If you file a motion for appointment of counsel, you must still proceed with your case and not wait for the Court to make its decision on your motion.**

Question: Can you provide me with the names of attorneys who could help me?

Answer: **No, the Clerk's Office cannot provide you with the name of an attorney. You can, however, contact the Missouri Bar Association's Lawyer Referral Service (phone number (573-636-3635) to get the names of attorneys who may help you.**

Question: My case has been assigned to a Magistrate Judge. What is a Magistrate Judge?

Answer: **Magistrate Judges are judicial officers appointed by the Court to assist in the work of the Court. They can also decide civil cases when both parties agree to have the case heard by a Magistrate Judge instead of a District Judge. If your case is assigned to a Magistrate Judge, you will receive a form that gives you the option to have your case heard by the Magistrate Judge. If you decide not to have your case heard by a Magistrate Judge, it will be reassigned to a District Court judge.**

Question: Can I get a copy of this Court's Local Rules?

Answer: **Yes, copies are available from the Clerk's Office and can also be obtained from this Court's website - www.mow.uscourts.gov.**

Question: Where can I find legal materials such as case law and rules of civil procedure?

Answer: **You can find legal materials at local law and public libraries.**

Question: Can I file a criminal case against someone?

Answer: **You cannot file a criminal case against anyone. The United States Attorney's Office is responsible for filing federal criminal cases. Allegations of criminal behavior should be brought to the attention of the local police, the Federal Bureau of Investigation, or other appropriate law enforcement agency.**

Question: Could there be additional costs involved in litigating my lawsuit besides paying the filing fee?

Answer: **Yes, for example, you may have to pay someone to deliver your complaint. Also there may be costs for getting documents and information from witnesses and the defendant(s). Finally, the losing party may have to pay for some of the winning party's expenses.**

Question: What type of civil action can be filed in the District Court?

Answer: **Federal District Courts can only hear certain types of cases. Generally, only civil cases that involve diversity of citizenship (parties in the case live in different states and the amount in controversy is greater than $75,000), a federal question (lawsuits that have been authorized by Congress), or have the United States as a party can be filed in Federal Court**.

Question: What can I do if the Court dismisses my case?

Answer: **If you are dissatisfied with the Court's decision to dismiss your case, you may appeal your case to the United States Court of Appeals for the Eighth Circuit. You must file your notice of appeal in the District Court Clerk's Office. Generally, you have thirty (30) days from the date the judgment is entered to file your notice of appeal. Refer to the fee schedule (http://www.mow.uscourts.gov/district/rules.html) to determine the filing fee required when filing a Notice of Appeal.**

Question: I was granted leave to file my complaint IFP and now I want to appeal, do I need to file another IFP motion for appeal?

Answer: **No, if the Court previously granted your motion to proceed IFP, you only have to file a notice of appeal.**

Question: Is there anyone who can assist me with my legal problems?

Answer: **Yes, you can contact the Legal Services of Western Missouri at 816-474-6750.**

General Information

The District Court Clerk's Offices in the Western District of Missouri are open for business between the hours of 9:00 a.m. and 4:30 p.m., except for Saturdays, Sundays and legal holidays. Documents may be filed in person at the Clerk's Office or by mail.

In Kansas City when the Clerk's Office is closed, documents may be left in the "Drop Box" located in the lobby of the Charles Evans Whittaker Courthouse. The "Drop Box" may be used from 4:30 p.m. to 6:00 p.m. except for Saturdays, Sundays and legal holidays.

In Springfield when the Clerk's office is closed, documents may be left in the "Drop Box" located in the lobby of the courthouse. The "Drop Box" may be used from 8:00am-9:00am and from 4:30pm-5:00pm.

No "Drop Box" exists in the Jefferson City office. Please contact the Clerk's Office with any questions regarding after hours filings.

Court's Addresses

Western Division
Charles Evans Whittaker Courthouse
400 East 9th Street, Suite 1510
Kansas City, MO 64106
(p) 816-512-5000

Central Division
80 Lafayette Street
Jefferson City, MO 65101
(p) 573-636-4015

Southern Division
222 N. John Q. Hammons Parkway, Suite 1400
Springfield, MO 65806
(p) 417-865-3869

Helpful Legal Terms

To familiarize you with words that you will hear frequently, the following is a list of some legal terms and their definitions:

ACTION
Another word for lawsuit.

AFFIDAVIT
A written statement of facts made under oath.

ALTERNATIVE DISPUTE RESOLUTION
ADR offers the parties to a civil action the opportunity to resolve that dispute without having to go through a full-fledged trial that can be both lengthy and costly. This Court offers two different processes for ADR - mediation and early neutral evaluation (ENE). Mediation is the process in which an impartial neutral (the mediator) helps the parties through negotiations to reach a settlement. ENE is a process in which a neutral evaluator offers pre-trial planning assistance to the parties together with a non-binding assessment of their case.

AMEND
To change an existing complaint, pleading, or motion that is already before the Court.

ANSWER
A document filed by the defendant in response to the complaint.

CASE
Another word for lawsuit.

CERTIFICATE OF SERVICE
Every pleading, correspondence, or other document, subsequent to the original complaint shall be served upon each of the parties who have appeared in the case. Each pleading must contain a certificate of service, which shall state the name and address of the attorney or party served, the manner of service, and the date of service. This lets the Court know that the other parties have been served a copy of the same document filed with the Court. If you attempt to file something that does not contain a certificate of service, the Court may return it to you without filing.

COMPLAINT
The document that a plaintiff files with the Clerk of Court to initiate a lawsuit. It contains a clear statement of the important information about the claim(s) of the plaintiff and identifies each defendant.

COUNSEL
One who has been admitted as an attorney at law to assist his/her client with advice, and pleads for him/her in open court.

DAMAGES
Money sought by a party who has suffered a legal wrong.

DEFENDANT
The party being sued.

DEPOSITION
A discovery (formal pre-trial investigation) tool in which a party (or his/her attorney) asks a series of oral questions of another party or witness, who answers under oath. The proceeding is recorded by a court reporter.

DIFFERENTIATED CASE MANAGEMENT (DCM)
DCM is a system that monitors and manages a civil case from filing to disposition consistent with the needs and characteristics of the individual case. All cases will be assigned to an appropriate processing track with the expectation that a case will be resolved within a standard amount of time depending on its complexity.

DISCOVERY
Formal investigation that parties conduct before trial in order to obtain information from each other about the case and to prepare for settlement or trial. The primary tools in most cases are depositions and interrogatories.

IN FORMA PAUPERIS (IFP)
To proceed without prepayment of costs or fees for filing a complaint.

INTERROGATORIES
A set of written questions submitted by one party to another party to answer under oath as part of the pre-trial investigation of a lawsuit.

JUDGMENT
A final Court ruling resolving the claims at issue and determining the rights and obligations of the parties.

JURISDICTION
The power or legal authority of the Court to hear and decide a case.

LAWSUIT
A legal proceeding initiated in Court.

LITIGANT
A party to a lawsuit.

MOTION
A request made to the Court for the purpose of obtaining a ruling or order directing an act to be

performed in favor of the applicant or movant. The Court may either hold a hearing on the motion requiring the parties to appear OR the Judge may decide the motion without a hearing.

ORDER
A ruling issued by a Judge or a Magistrate Judge that usually directs the plaintiff or the defendant to do something. An order may also be issued to grant or deny a motion.

PARTY
A person or entity who has brought a lawsuit, or one who is defending against or responding to a lawsuit.

PLAINTIFF
The person who is filing the complaint against an individual, a corporation or company, or a government agency.

PRO SE
If you are filing a lawsuit on your own and will represent yourself, you are proceeding pro se.

REDACTED DOCUMENT

A document that has been carefully edited to remove personal data identifiers or other confidential information.

RELIEF
What a party asks the Court to do, or what the Court grants to a party.

RULE 16 CONFERENCE
A Rule 16 conference is a pre-trial conference held between the parties and the Judge. The conference is held after the parties have been served, and its purpose is to develop an appropriate pre-trial plan that meets the needs of the individual case. At the conference, parties discuss issues affecting the case, and a trial date is usually set.

SERVICE OF PROCESS
The delivery of legal documents to an opposing party.

STATUTE OF LIMITATIONS
The time period following an event in which a lawsuit can be filed.

STATUTES
Laws enacted by legislatures.

SUBPOENA
An order for a person to appear in Court or at a deposition, or to produce documents.

SUMMONS
A document providing notice to the defendant that an action has been brought against him/her and an answer is required.

TRIAL
The in-court examination and resolution of issues between litigants.

UNREDACTED DOCUMENT - A document that has not been edited and may include personal data identifiers or other confidential information.

VENUE
The geographic area over which a Court has authority. The Federal District Courts each have their own venue and they have very strict rules on where you may file your action. If you do not comply with these rules, the Court may transfer your action to another District Court or dismiss it.

WAIVER OF SERVICE OF SUMMONS
Pursuant to Federal Rule of Civil Procedure 4, a plaintiff can request a defendant to forego service of summons. To do this, the plaintiff must send a copy of his/her complaint with two "Notice of Lawsuit and Request for Waiver of Service of Summons" forms (available from the Clerk's Office) by first class mail to the defendant(s). The defendant(s), however, does not have to agree to the request and can insist on being served with a summons.

Disclaimer - the Frequently Asked Questions and legal terms listed in this brochure are by no means comprehensive and are only intended to assist you in understanding the basic terms and procedures required by the court and CANNOT take the place of an attorney's legal advice.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

_____	)	
Plaintiff	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
Defendant	)	
	)	

APPLICATION FOR LEAVE TO FILE ACTION WITHOUT PAYMENT OF FEES WITH AFFIDAVIT OF FINANCIAL STATUS IN SUPPORT

I state that I am unable to pay the fees to file an action against the defendant(s) in this case and that the actions of the defendant(s) have harmed me.

Attached is my Affidavit of Financial Status in support of my application to the court for leave to file a civil action without payment of costs.

_____
Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

_____	)	
Plaintiff	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
Defendant	)	

AFFIDAVIT OF FINANCIAL STATUS

I, _____, declare that I am the plaintiff in this case, that because of my poverty I am unable to pay the costs of these proceedings, and that I believe I am entitled to relief.

I further swear that the responses which I have made to the questions below and the information I have given relating to my ability to pay the costs of commencing and prosecuting this action are true.

I. MARITAL STATUS AND PERSONAL DATA

A. Single:____ Married:____ Separated:____ Divorced:____

B. Name of Spouse:_____

C. Age of plaintiff, petitioner or complainant:_____

D. Age of spouse:_____

E. Address of plaintiff, petitioner or complainant:_____

_____

Telephone:_____

F. Address of spouse:_____

Telephone:_____

G. State name or names of dependents who live with you, their age, address, relationship, and how much of their monthly support you provide:

_____

_____

_____

II. EMPLOYMENT

A. Name of employer:_____

Address of employer:_____

Employer's telephone:_____ Length of employment:_____

Job title or description:_____

Net Income: Monthly $_____ Weekly $_____

Gross Income: Monthly $_____ Weekly $_____

Does employer provide health insurance: Yes_____ No_____

If employer provides health insurance, describe coverage:_____

_____

_____

B. Previous employment (Answer only if presently unemployed)

Name of employer:_____

Address of employer:_____

Employer's telephone:_____ Length of employment:_____

Job title or description:_____

Net Income: Monthly $_____ Weekly $_____

Gross Income: Monthly $_____ Weekly $_____

C. Employment of spouse:

Name of employer:_____

Address of employer:_____

Employer's telephone:_____ Length of employment:_____

Job title or description:_____

Net Income: Monthly $_____ Weekly $_____

Gross Income: Monthly $_____ Weekly $_____

III. FINANCIAL STATUS

(Answer questions on behalf of both the plaintiff, petitioner or complainant and spouse).

A. Owner of real property? Yes____ No____

If yes - Description:_____

Address:_____

In whose name?_____

Estimated value:_____

Total amount owed:_____

Owed to:_____

Annual income from property:_____

B. Owner of automobile: Yes____ No____

If yes - Number of automobiles owned:_____

Make_____ Model_____ Year_____

Make_____ Model_____ Year_____

In whose name registered?_____

Present value:_____

Amount owed on the automobile(s):_____

Owed to:_____

Monthly payment(s):_____

C. Cash on hand: (Include checking and savings accounts)

$_____

List names and addresses of banks and associations:

_____

Please do not state account numbers.

D. Have you received within the past 12 months any money from any of the following sources:

	Yes	No
Rent payments, interest or dividends?	____	____
Pensions, trust funds, annuities or life Insurance payments?	____	____
Gifts or inheritances?	____	____
Welfare Payments?	____	____
ADC or other governmental child support?	____	____
Unemployment benefits?	____	____
Social Security Benefits	____	____
Other sources?	____	____

E. If the answer to any item in D above was "Yes", describe each source of money and state the amount received from each during the past 12 months:

_____

_____

_____

IV. OBLIGATIONS

A. Monthly rental on house or apartment:_____

B. Monthly mortgage payments on house:_____

Amount of equity in house:_____

C. Monthly mortgage payments on other properties: $ _____

Amount of equity in other properties: $_____

D. Household expenses: _____

Monthly grocery expense:_____

Monthly utilities:

Gas:_____

Electric:_____

Water:_____

Other: (Specify) _____

E. Other debts and miscellaneous monthly expenses:

TO WHOM OWED AND FOR WHAT REASON INCURRED?	MONTHLY PAYMENTS	BALANCE DUE

V. OTHER INFORMATION PERTINENT TO FINANCIAL STATUS
(Include information regarding stocks, bonds, savings bonds, either individually or jointly owned).

_____

_____

_____

_____

I understand that a false statement or answer to any question in this affidavit will subject me to penalties of perjury.

_____

_____
Signature of Plaintiff or Plaintiffs

VERIFICATION

State of _____)
)
County of _____)

I, being first duly sworn under oath, state that I know the contents of this affidavit and that the information contained in the affidavit is true to the best of my knowledge and belief.

_____

_____

Signature of Plaintiff or Plaintiffs

All parties must verify

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 ___

_____
Notary Public

_____
My Commission Expires

CIVIL COVER SHEET

The Civil Cover Sheet is a fillable form located on the Court's website, www.mow.uscourts.gov, under "Forms" and "District Court Forms."

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

_____ _____ _____ *(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)* **-against-** _____ _____ _____ *(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*	**Complaint for a Civil Case** Case No. _____ *(to be filled in by the Clerk's Office)*

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. _____Yes _____ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name _____

Job or Title (if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address (if known) _____

Defendant No. 2

Name _____

Job or Title (if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the designated information for this type of case. *(Check all that apply)*

☐ Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

_____

_____

_____

☐ Suit against the Federal Government, a federal official, or a federal agency

List the federal officials or federal agencies involved, if any.

_____

_____

_____

☐ Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than $75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

A. The Plaintiff(s)

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. *Or* is a citizen of *(foreign nation)* _____.

2. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. *Or* is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake----is more than $75,000, not counting interest and costs of court, because *(explain)*:

_____

_____

_____

III. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?

- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

_____
_____
_____

Do you claim the wrongs alleged in your complaint are continuing to occur at the present time?

Yes ☐ No ☐

Do you claim actual damages for the acts alleged in your complaint?

Yes ☐ No ☐

Do you claim punitive monetary damages?

Yes ☐ No ☐

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

_____

_____

_____

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk' s Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk' s Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff _____

Printed Name of Plaintiff _____

Rule 4. Summons

(a) Contents; Amendments.

(1) ***Contents.*** A summons must:

(A) name the court and the parties;

(B) be directed to the defendant;

(C) state the name and address of the plaintiff's attorney or - if unrepresented - of the plaintiff;

(D) state the time within which the defendant must appear and defend;

(E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;

(F) be signed by the clerk; and

(G) bear the court's seal.

(2) ***Amendments.*** The court may permit a summons to be amended.

(b) Issuance. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal and issue it to the plaintiff for service on the defendant. A summons—or a copy of a summons that is addressed to multiple defendants—must be issued for each defendant to be served.

(c) Service.

(1) ***In General***. A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) ***By Whom*****.** Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) ***By a Marshal or Someone Specially Appointed.*** At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

(d) Waiving Service.

(1) ***Requesting a Waiver.*** An individual, corporation, or association that is subject to Service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

(A) be in writing and be addressed:

(i) to the individual defendant; or

(ii) for a defendant subject to service under Rule 4(h), to an officer, a manager or general agent, or any other agent authorized by appointment or by law to receive service of process;

(B) name of the court where the complaint was filed;

(C) be accompanied by a copy of the complaint, two copies of a waiver form, and a prepaid means for returning the form;

(D) inform the defendant using text prescribed in Form 5, of the consequences of waiving and not waiving service;

(E) state the date when the request is sent;

(F) give the defendant a reasonable amount of time of at least 30 days after the request was sent—or at least 60 days if sent to the defendant outside any judicial district of the United States—to return the waiver; and

(G) be sent by first-class mail or other reliable means.

(2) ***Failure to Waive.*** If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

(3) ***Time to Answer After a Waiver.*** A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent—or until 90 days after it was sent to the defendant outside any judicial district of the United States.

(4) ***Results of Filing a Waiver.*** When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(5) ***Jurisdiction and Venue Not Waived.*** Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

(e) Serving an Individual Within a Judicial District of the United States. Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:

(1) following state law for serve a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or

(2) doing any of the following:

(A) delivering a copy of the summons and of the complaint to the individual personally;

(B) leaving a copy of each at the individual's dwelling of usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

(f) Serving an Individual in a Foreign Country. Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served at a place not within any judicial district of the United States:

(1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

(A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(B) as the foreign authority directs in response to a letter rogatory or letter of request; or

(C) unless prohibited by the foreign country's law, by:

(i) delivering a copy of the summons and of the complaint to the Individual personally; or

(ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or

(3) by other means not prohibited by international agreement, as the court orders.

(g) Serving a Minor or an Incompetent Person. A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not within any judicial district of the United States must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).

(h) Serving a Corporation, Partnership, or Association. Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) In a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and –if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant; or

(2) at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).

(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) ***United States.*** To serve the United States, a party must:

(A) (i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or;

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a non-party agency or officer of the United States, send a copy of each by registered or certified mail to the agency or office.

(2) ***Agency; Corporation; Officer or Employee Sued in an Official Capacity*****.** To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) ***Officer or Employee Sued Individually*****.** To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer of employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) ***Extending Time.*** The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or

(B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee.

(j) Serving a Foreign, State or Local government.

(1) ***Foreign State.*** A foreign state or its political subdivision, agency or instrumentality must be served in accordance with 28 U.S.C. § 1608.

(2) ***State or Local Government.*** A state, a municipal corporation, or any other State created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

(k) Territorial Limits of Effective Service.

(1) ***In General.*** Serving a summons or filing a waiver of service establishes a personal jurisdiction over a defendant:

(A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;

(B) who is a party joined under Rule 14 or 19 and is served within a judicial district of the United States and not more than 100 miles from where the summons was issued; or

(C) when authorized by a federal statute.

(2) ***Federal Claim Outside State-Court Jurisdiction.*** For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:

(A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

(B) exercising jurisdiction is consistent with the United States Constitution and laws.

(l) Proving Service.

(1) ***Affidavit Required.*** Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.

(2) ***Service Outside the United States.*** Service not within any judicial district of the United States must be proceed as follows:

(A) if made under Rule 4(f)(1), as provided in the applicable treaty or convention; or

(B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) ***Validity of Service; Amending Proof.*** Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

(m) Time Limit for Service.

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service

for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

(n) Asserting Jurisdiction over Property or Assets.

(1) ***Federal Law.*** The court may assert jurisdiction over property if authorized by a federal statute. Notice to claimants of the property must be given as provided in the statute or by serving a summons under this rule.

(2) ***State Law.*** On a showing that personal jurisdiction over a defendant cannot be obtained in the district where the action is brought by reasonable efforts to serve a summons under this rule, the court may assert jurisdiction over the defendant's assets found in the district. Jurisdiction is acquired by seizing the assets under the circumstances and in the manner provided by state law in that district.

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

_____ *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

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):* _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

_____	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	
_____	)	
Defendant		

APPLICATION FOR APPOINTMENT OF COUNSEL

I am without means to employ counsel.

I have contacted the following attorneys (at least three)

1. _____

2. _____

3. _____

but have been unable to obtain their services.

My “Affidavit of Financial Status” is attached, or was previously filed.

_____
Plaintiff

UNITED STATES DISTRCT COURT
WESTERN DISTRICT OF MISSOURI

NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS

_____
Plaintiff

Case Number: _____

_____
Defendant

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 (D) Western District of Missouri and has been assigned docket number (E)_____.

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 (F) _____days after the date designated below as the date on which this Notice and Request for Waiver of Service of Summons is sent. I enclosed a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also 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 will then 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 in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party 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 _____, 20____.

_____
Signature of Plaintiff's Attorney or Unrepresented Plaintiff

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-District
E-Docket number of action
F-Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver