

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

A Pro Se Guide

TO FILING YOUR LAWSUIT

IN FEDERAL COURT



Disclaimer:

This manual is intended to assist an individual wishing to file a civil action without an attorney (Pro Se) in the United States District Court, Western District of Washington. This manual is provided for informational purposes only and does not constitute legal advice. The Federal Rules of Civil Procedure (FRCP) and this Court's Local Rules and Electronic Filing Procedures control how civil cases must be filed and processed.

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Part One

BEFORE YOU FILE YOUR CASE

Consider ways to resolve your dispute and problem outside Court

Are you having a disagreement with another person, business or government agency? Are you thinking about going to court to ask a judge to resolve a disagreement or solve a problem for you?

Federal Court is one type of court that can help people resolve disputes. When two or more people (or a person, business or government agency) have a disagreement and want a judge to listen to the facts, we call this a “**case**” or a “**lawsuit**.”

Before you decide to file a case in Federal Court, you may want to consider other ways to solve your dispute. Below are a few suggestions.

- **Try talking to the person, business or government agency that you feel has done something wrong or send a letter asking the person, business or government agency to fix the problem.** Many government agencies have requirements or special rules you must follow before filing a case in Federal Court.
- **Seek help from other sources.** There are a number of local and state-wide agencies that may be able to assist you. (See Part Seven)
- **Contact an attorney.** An attorney will be able to help you make sure that Federal Court is the right place to solve your problem. An attorney will also be able to provide you with more information about available resources in the community.

You also have the right to file your case without an attorney's help. This is known as “**representing yourself**” or “**proceeding Pro Se**.” If you are representing yourself, the judge will expect you to state your complaint(s) clearly, meet all deadlines and follow the Court Rules. An attorney can help explain these rules and the court process and procedures.

If you cannot afford to hire an attorney, but don't know where to look for one, you might consider calling the Washington State Bar Association's Coordinated Legal Education, Advice and Referral system. They can be reached at 1-888-201-1014 or via their website at www.wsba.org/atj/contact/legasst.htm.

Are you in the right Court?

Before filing a case, you need to make sure that you are filing it in the right Court. This can be especially important if you are working with a deadline for certain statutes of limitations. Filing in the wrong Court might affect whether you meet those deadlines or not.

Below are some questions you should ask to ensure you are in the right place.

- **Is your case about a divorce, child custody, adoption, name change, landlord-tenant dispute or a will?**

If so, you may be in the wrong Court. State Courts generally hear family law matters and landlord-tenant disputes. You can learn more about Washington State Courts at www.courts.wa.gov. If in doubt, contact an attorney for legal advice about your specific situation. The Clerk's Office cannot make this determination for you.

- **Is your case about a Federal law, the denial of Social Security benefits, other Federal benefits or a decision by a Federal agency?**

If so, you are probably in the right Court.

- **Should you file your case in Seattle or Tacoma U.S. District Court?**

The U.S. District Court for the Western District of Washington has courthouses in Seattle and in Tacoma. Where you file your case depends on the county in which the claim arose or where the defendant(s) reside. This is called "**jurisdiction**". Local Civil Rule 3(c)

- You should file your case in **Seattle** if the defendant(s) reside or the incident occurred in one of the following counties:
 - King County
 - Skagit County
 - Snohomish County
 - Whatcom County

- You should file your case in **Tacoma** if the defendant(s) reside or the incident occurred in one of the following counties:
 - Clallam County
 - Clark County
 - Cowlitz County
 - Grays Harbor County
 - Jefferson County
 - Kitsap County
 - Lewis County
 - Mason County
 - Pacific County
 - Pierce County
 - Skamania County
 - Thurston County
 - Wahkiakum County

Types of cases filed in Federal Court

Federal Courts are courts of limited jurisdiction. There are three types of cases that may be filed in Federal Court:

1. Cases where the United States government is a party to the action.

Federal Courts hear lawsuits involving the Social Security Administration, Veterans Administration or cases against a Federal agency, such as the United States Postal Service or the Internal Revenue Service.

2. Cases brought under Federal laws.

Federal Courts hear specific types of cases arising under the U.S. Constitution and Federal laws such as damages at sea, Federal tax matters and many other areas. Some Federal laws may duplicate State laws, such as civil rights matters.

3. Cases where the parties reside in different states.

Lawsuits between parties residing in different states are called "**diversity**". For example, if you live in Washington and you file a lawsuit against a defendant who lives in Oregon, then the case would be considered "**diversity**."

Diversity cases must involve a claim of damages over \$75,000.00. If you are not seeking more than that amount and your case does not involve Federal law of a government defendant, you may need to file your claim in State Court.

Are your claims timely?

“**Statute of limitations**” is the period of time set by law in which a lawsuit must be filed. This period of time ordinarily begins when the injury occurs or a right has been violated. If you fail to bring your claim within the time allowed by statute, your lawsuit may be dismissed.

Other issues to consider

Before you file, please consider:

- **Rule 11 of the Federal Rules of Civil Procedure.** This rule prohibits the filing of lawsuits that are clearly frivolous or filed just to harass someone. If the Court determines that you have filed a lawsuit for an improper or unnecessary reason, it may impose sanctions against you, including ordering that you pay the legal fees of the party you sued.
- **What happens if you lose?** If you lose, the winning party may ask that you be ordered to pay his or her attorney fees. The winning party is also entitled to seek certain costs which were incurred during the lawsuit. These costs can include things such as deposition transcript fees, witness fees, copy expenses, etc. In many cases, these fees may add up to thousands of dollars. It is very common for a winning party to seek costs from the losing party.

Part Two

Filing Your Case

Before a judge can listen to the facts in any case, you must first file a case.

Rules that you must follow

Below you will find a list of rules that you should familiarize yourself with before proceeding with filing your case in Federal Court. Should you find yourself asking questions about the meaning behind certain rules, please consult an attorney. The Clerk's Office cannot interpret the rules for you.

- **Federal Rules of Civil Procedure.** You should familiarize yourself with the rules that govern the filing of a civil lawsuit in Federal Court. A link to the Federal Rules can be found at <http://www.law.cornell.edu/rules/frcp/>.
- **Local Rules for the United States District Court, Western District of Washington.** This is a collection of “**Local Rules**” that are written for the practice of law in the United States District Court, Western District of Washington. They are published in addition to the Federal Rules (see above). As Local Rules differ from Court to Court, you must refer only to the Western Washington Local Rules.

Both Local Rules and Federal Rules must be followed. The Local Rules for the Western District of Washington are located on the Court's website at www.wawd.uscourts.gov/local-rules-and-orders.

- **The Western District of Washington's Electronic Filing Procedures.** The Court's Electronic Filing Procedures help explain the various options available when filing documents electronically with the Court. Information can be found on the Court's website at www.wawd.uscourts.gov/attorneys/cmecf.
- **Filing documents in person or through the mail.** If you are not registered to file documents electronically through ECF, you may file them in paper form at the Clerk's Office in Tacoma or Seattle. The Clerk's Office is open Monday through Friday from 9:00am to 4:30pm.

You may also mail documents to the Tacoma or Seattle Clerk's Office, depending on the jurisdiction of your case.

U.S. District Court Clerk's Office (Seattle)
700 Stewart Street, Suite 2310
Seattle, WA 98101

U.S. District Court Clerk's Office (Tacoma)
1717 Pacific Avenue, Suite 3100
Tacoma, WA 98402

Forms you will need in order to file a new case

In order to file a new case, you will need to complete the following forms. These forms can be obtained by visiting the Clerk's Office in person or via the Court's website at www.wawd.uscourts.gov.

- **Application to Proceed In Forma Pauperis (IFP).** Use this form if you are requesting that the Court waive the \$400.00 filing fee.
- **Complaint**
- **Civil Cover Sheet**
- **Summons**
- **Registration Form to sign up for the Court's Electronic Filing System (ECF).** Use this form if you would like the ability to file documents electronically with the Court without filing them in person or via the U.S. Postal Service.

COMPLAINT

To begin a lawsuit in Federal Court, you must file a paper with the Court called a “**complaint.**” A complaint is a legal document that tells the judge and defendant(s) how and why you believe the defendants violated the law in a way that injured you and what you want the Court to do about it.

Below you will find information on how to file your complaint in U.S. District Court.

- Complete the complaint form located at the end of this packet or found on the Court’s website at www.wawd.uscourts.gov.
- All documents must be printed or typed **in pen** (not pencil) on white, 8 ½ x 11 paper. **Do not write** on both sides of the paper.
- Remember that original documents submitted to the Court will not be returned to you.
- If you would like a copy of your complaint file-stamped with the assigned case number, bring an extra copy to the Clerk’s Office when filing your case.
- If you need the Clerk’s Office to make copies for you, the the Court charges a copy fee of **50¢ per page**. All major debit/credit cards are accepted, as well as money orders, cashier checks and personal checks made out in the exact amount. **The Clerk’s Office DOES NOT accept cash.**

Before submitting your complaint to the Court, you must first fill out the **case caption** with the name of the plaintiff and defendant(s). The **case number** section should be left blank as the Clerk will fill it in once a case number and judge have been assigned.

It is **imperative** that you include the case caption and case number on all documents filed in your case. If you submit a document and it does not include the case caption and case number, the document will be returned and will result in a delay of your document being filed.

The complaint caption can be found on the following page.

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

<div style="border: 1px solid red; height: 40px; width: 100%;"></div>	
Plaintiff(s)	
vs.	
<div style="border: 1px solid red; height: 40px; width: 100%;"></div>	
Defendant(s),	

COMPLAINT

HINT: Make sure the complaint is easy to read, legible and that the defendant(s) names are clearly written and spelled correctly. The complaint should be typewritten or written in black or blue ink **on one side of the paper only**.

This is the time to present the facts of your case: what happened, where it happened, when it happened, how it happened and who was involved.

You may also choose to support your complaint in the form of exhibits. If exhibits are written on both sides of a document, you must copy them onto one side at your own expense before submitting them to the Court. **The Court's scanning system does not have the capability to scan double-sided documents.** If the Court receives documents that are double-sided, it will likely result in a delay in opening your case.

If you would like a jury trial, you must include that language in your complaint and check the appropriate box on the Civil Cover Sheet (see next section).

If your complaint does not include sufficient facts to allow the Court to draw a reasonable inference that the defendant is liable for the misconduct you allege, your complaint may be subject to dismissal.

CIVIL COVER SHEET

The **Civil Cover Sheet** asks for information about your case. You may obtain a Civil Cover Sheet from the Clerk's Office or via the Court's website at www.wawd.uscourts.gov.

The Civil Cover Sheet includes eight sections, which are outlined below.

Section I - Parties

§JS 44 (Rev. 12/07)	
CIVIL COVER SHEET	
The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)	
I. (a) PLAINTIFFS	DEFENDANTS
(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorney's (Firm Name, Address, and Telephone Number)	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)

- Section 1(a) asks the names of the plaintiff(s) and defendant(s).
- Section 1(b) asks for the counties where the parties are located. We need to know this information in order to help assign the case to the correct jurisdictional Court (either Seattle or Tacoma).
- Section 1(c) asks for the name, address and telephone number of the attorney handling your case. Since you are acting as your own attorney, fill in your name, address and phone number.

Section II – Basis of Jurisdiction

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

Basis of Jurisdiction tells us the type of case you are filing.

- **Government as the plaintiff.** This box will **not** apply to you. This is only for government use.
- **Government as the defendant.** Mark this box if you are filing a case against a Federal agency or the U.S. government.
- **Federal Question.** Mark this box if your case is about a Federal Law.
- **Diversity.** Mark this box if the defendant(s) lives in another state and is not the Federal government and if your case involves a claim valued over \$75,000.00.

You must choose **one box** that best describes why your case is being filed in Federal Court.

Section III – Citizenship of Principal Parties

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)					
(For Diversity Cases Only)					
	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

Citizenship of Principal Parties is used only if you have indicated "**diversity**" in Section II. Diversity refers to cases where the parties involved are from different states.

Pick one box that says where the plaintiff (PTF) is located and one box to show where the defendant (DEF) is located.

Section IV – Nature of Suit

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

Nature of Suit describes what your case is about. You must choose **one box** that most closely represents the nature of your case.

Section V – Origin

V. ORIGIN (Place an "X" in One Box Only)						
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

Origin has seven options to choose from. You will most likely choose option number one (1), "**Original Proceeding**," meaning that you are filing a new lawsuit.

Section VI – Cause of Action

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
	Brief description of cause:

Cause of Action asks for a brief statement telling us what your case is about.

For example, "*I am suing my employer for violating my civil rights for not promoting me.*" You do not need to list a civil statute but it is helpful if you have one identified.

Section VII – Requested in Complaint

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Requested in Complaint asks that you write the dollar amount you are requesting from the defendant(s). You must also check the box to show whether or not you included a demand for a jury trial in your complaint.

Section VIII – Related Case(s) If Any

VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
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Related Case(s) If Any asks if there are any related cases. If you have sued the same defendants in this or any other Court, write down the names of the judge(s) and case number(s). Although you are proceeding Pro Se, you must then sign and date where it says, "Signature of Attorney of Record."

SUMMONS IN A CIVIL ACTION

Summons is a document which demands that the defendant(s) respond to the complaint. In the blank space that asks for the name and address of the defendant being served, you must write down the name of the party you are suing and his or her address. The Clerk's Office cannot issue summons without this information.

Remember that proof of service must be filed with the Clerk's Office. After serving the defendants, the return of service will be posted in the case file as proof that the defendant has been served in the case. The Clerk's Office will only certify **one** summons for each defendant.

In the space that gives the defendants the number of days they have to answer, please consult the Federal Rules of Civil Procedure and this Court's Local Rules for the appropriate timeframe. The number of days to answer the complaint will depend on the type of defendant (local, non-government, federal, etc.). If in doubt, contact an attorney for guidance.

HINT: Summons may only be issued to parties that are named as defendants in the complaint.

If you pay the \$400 filing fee but do not wish to have summons issued right away, you may file a **"Praecipe"** to issue summons at a later date. A Praecipe is a document that requests that the Court do or not do a specific action. Blank Praecipe forms can be found on the Court's website.

If you are filing a Motion to Proceed In Forma Pauperis, you may submit the summons when you file your case. However, summons will not be issued until after the Court has made a ruling on the motion.

MOTION TO PROCEED IN FORMA PAUPERIS (IFP)

The fee to file a complaint in Federal Court is \$400.00. There are no additional fees involved in the act of filing the case. If you cannot afford to pay the filing fee, you may apply to have the filing fee **"waived,"** which means that your case may proceed without paying the filing fee.

In order for the Court to enter a ruling to waive the filing fee, you must fill out a **Motion to Proceed In Forma Pauperis** form. This form must be submitted when you file your complaint.

It is very important to fill out this form completely as the judge will use this information to determine if you have the financial ability to pay the filing fee. You must also include information about your spouse, if applicable.

In addition, just because you don't have cash on hand, it doesn't mean that you are unable to pay the filing fee. If you have assets, such as equity in your home, own several cars or rental property or have other sources of income, the Court may find that you do not qualify to have the fee waived.

The Court will issue an order once a decision has been made on your request to have the fee waived. Summons will not be issued until after the Motion to Proceed In Forma Pauperis (IFP) has been granted or the filing fee paid.

MOTION FOR APPOINTMENT OF COUNSEL

If you would like an attorney to represent you and cannot afford to hire one, you may request that the Court appoint a lawyer to handle your case at no cost to you.

To ask the Court to appoint a lawyer, you must complete a **Motion for Appointment of Counsel** and **Financial Affidavit**. If the Court grants your Motion for Appointment of Counsel, you may still be responsible for certain expenses and court costs.

Although this option is available, **there is no right to representation in civil matters and no guarantee that the judge will appoint counsel in your case.**

The judge will base his or her decision to appoint an attorney on several factors.

- 1. Do you have the financial ability to hire counsel?** The Court will review your financial records and any supplemental information provided in the Motion for Appointment of Counsel and Financial Affidavit.
- 2. Have you made reasonable efforts to hire counsel?** You should first contact the Washington State Bar Association's Coordinated Legal Education, Advice, and Referral system at (888) 201-1014 (www.wsba.org/atj/contact/legasst.htm) or your local county or metropolitan area legal associations.

These organizations can likely give you a list of lawyers who practice the type of law that you need help with. You will need to include the names of all of attorneys you contacted in your motion.

- 3. Can you prepare and present your case without the help of counsel?** The Court will look at your complaint to see if you are able to explain your case clearly without the assistance of an attorney.
- 4. How complex is your case?** The Court will consider whether your case involves unusually complicated facts or legal issues.
- 5. Does it appear you may succeed on the merits of your claim?** This does not infer a ruling or opinion of the judge on the outcome of your case.

WHERE TO FILE YOUR COMPLAINT

- 1) In-Person.** This is a great option if you are filing a case for the first time. The Clerk's Office staff will review your documents to make sure you have submitted the required forms and that they are filled out completely.

The Clerk's Office in Seattle and Tacoma are open Monday through Friday from 9:00 a.m. to 4:30pm.

U.S. District Courthouse (Seattle)
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101

Union Station Courthouse (Tacoma)
Clerk's Office
1717 Pacific Ave, Room 3100
Tacoma, Washington 98402-3200

- 2) E-mail.** If you prefer to send your new case documents via e-mail, they must be saved in **PDF format**. You can scan and email the documents as a .pdf or use a software program to convert them into a .pdf format.

You are **only** permitted to e-mail documents to the Clerk's Office when opening a new case. Documents submitted after the case is opened must be filed over the counter, through the U.S. Postal Service or via electronic filing if you are registered.

Once your case is opened and you have been assigned a case number and judge, you will need to either file in paper over the counter, via the U.S. Postal Service or if you're registered to file electronically, through the ECF system.

Your documents should be emailed to the proper Clerk's office, either in Seattle or Tacoma at the following email address:

newcases.seattle@wawd.uscourts.gov (Seattle)

newcases.tacoma@wawd.uscourts.gov (Tacoma)

What does the Clerk's Office do with the case information?

The Clerk's Office will review the documents to make sure the required forms have been submitted and filled out completely.

If you are paying the Filing Fee, the Clerk's Office will:

- File-stamp the original documents with the date the case is filed.
- Randomly assign a case number and judge based on the location of where the incident took place (either Tacoma or Seattle, depending on jurisdiction).
- Issue summons, if requested.

If you are requesting that the Filing Fee be waived by submitting a Motion to Proceed In Forma Pauperis, the Clerk's Office will:

- File-stamp the original documents with the date the case is filed.
- Randomly assign a case number and judge based on the location of where the incident took place (either Tacoma or Seattle, depending on jurisdiction).
- Summons will not be issued until the Court enters a ruling on the Motion to Proceed In Forma Pauperis.

If your application is **granted**, the Court will issue summons, if they were filed when your case was opened. Only one summons will be issued per defendant and must be filled out with the defendant's name and address, as well as your name and address.

If your application is **denied**, you will receive an order in the mail to this effect, with instructions as to when the filing fee must be paid. **If the filing fee is not paid by the date ordered by the Court, your case may be dismissed.**

NOTE: If you would like copies made of any documents that you are filing, the Clerk's Office charges a copy fee of **50¢ per page** and accepts payment in the form of all major credit/debit cards (Visa, MasterCard, Discover, and American Express) personal checks, cashier's checks and money orders.

The Clerk's Office **DOES NOT ACCEPT CASH.**

OPTIONS FOR PAYING COURT FEES

The Clerk's Office accepts the following payment options:

- Visa, MasterCard, American Express and Discover cards.
- Personal checks, cashier checks and money orders made out to "Clerk, U.S. District Court."
- The Clerk's Office **DOES NOT** accept cash.

WHAT THE CLERK'S OFFICE CAN AND CANNOT DO

Although the Clerk's Office can answer most of your questions, we are **legally prohibited from providing legal advice.**

Printable forms and answers to frequently asked questions are available online on our website at www.wawd.uscourts.gov.

Below is a summary of the information the Clerk's Office can and cannot provide to you.

We Can:

- Answer general questions about how the Court works, including providing you with the required forms needed to open a new case.
- Give you general information about court procedures and practices.
- Once your case has been opened and you would like information about your case:
 - You may call the Clerk's Office at 206-370-8400 and we will forward you to the case administrator who is assigned to the judge overseeing your case.
 - You can review your case in person at the public computer terminals located in the lobby of the Seattle and Tacoma courthouses.
 - You can register for PACER (Public Access to Court Electronic Records) to review your case online. (See page ___ of this guide)

We Cannot:

- Give you legal advice. This policy also applies to all parties, including attorneys.
- Tell you whether or not you should file a new case.
- Tell you what words you should use in your court pleadings/papers.
- Talk to the judge for you or let you talk to the judge outside of court.
- Tell you what you should say in court.
- Compute deadlines in your case.
- Interpret the Federal or Local Rules.
- Tell you what documents you should file.
- Predict how or when the judge might rule on your case.

HINTS FOR WHEN YOU GO TO THE CLERK'S OFFICE:

- You must show government-issued photo ID to enter the courthouse.
- No weapons, drugs or other illegal items are allowed.
- Have your case documents organized and forms completely filled out before arriving at the Clerk's Office.
- Do not be afraid to ask questions; however, the Clerk's Office staff cannot give legal advice or answer questions about procedures of other agencies.
- The Clerk's Office accepts payment for Court fees in the form of credit and debit cards (Visa, MasterCard, Discover and American Express) as well as money orders, personal checks and cashier checks. **The Clerk's Office DOES NOT accept cash.**
- The Clerk's Office is open Monday through Friday, 9:00am to 4:30pm.

Part Three

Electronic Filing System (ECF)

Once you have filed your initial documents with the Clerk's Office and your case has been opened, you will then have the option of filing documents in your case on-line, or electronically, using our Case Management/Electronic Case Filing System (CM/ECF).

This system not only allows you to file your documents without coming to the Clerk's Office, but also allows you to see everything that has been filed by you (the plaintiff), the Court, defendants and any other parties in your case.

More information about filing your case electronically can be found on the Court's website at www.wawd.uscourts.gov/attorneys/cmecf. You will also find a CM/ECF Registration Form at the end of this packet. When visiting the Court's website, please be sure to refer to the **ECF Filing Procedures** as it is your responsibility to comply with the filing procedures.

REGISTRATION

You must complete and submit an **ECF Registration Form** for every case you file. You are also required to enter a case number so the Court can activate your ability to file electronically.

Electronic registration is not mandatory. If you are not computer savvy or do not have access to a computer, we recommend that you file in paper or through the mail.

By signing the agreement to file your documents electronically through ECF, you **waive** your ability to file documents in paper form over the counter or through the mail. Please read the registration form carefully before signing.

The Registration Form can be found at the end of this packet or via the Court's website at <http://www.wawd.uscourts.gov/attorneys/cmecf>.

EQUIPMENT AND SOFTWARE

You must have the following equipment/software or access to the following equipment/software to electronically file documents:

- A personal computer with internet access.
- Internet Explorer or Firefox. Other browsers will not work with the court's ECF system.
- Software to convert your documents to .pdf format (portable document format) **OR** a scanner set to 200 dpi (dots per inch) for scanning documents to .pdf format.
- Adobe Acrobat Reader software (free download) to view and save documents and website forms in .pdf format.

ADDITIONAL REQUIREMENTS

- You should have at least one e-mail account to receive Court notices of filings and orders. An additional e-mail account is advisable but not mandatory.
- Experience in the use of word processing applications, printers and the Internet.

PDF DOCUMENTS

All .pdf documents must be **under 10MB or 10,000 KB** in order to be accepted by the filing system. The file size will be determined by the number of pages and quality of the document(s) scanned.

If you have any questions, you can call the ECF Help Desk at 206-370-8400 and pick option number 2.

ELECTRONIC FILING TERMINOLOGY

- **CM/ECF.** Case Management/Electronic Case Filing.
- **PDF.** Portable Document Format. A document created with almost any word processing program can be converted to a .pdf. The .pdf conversion program takes a picture of the original document so the converted document can be opened across a broad range of hardware and software system, with layout, format, links and images intact. Only documents in .pdf format may be filed with the Court using the ECF system.
- **Login Screen.** The place where you enter your ECF Login, password and check the redaction agreement box to the right of the login to begin filing your documents.
- **ECF Blue Bar Menu.** The menu where you choose “Civil” to begin your filing.
- **Available Events.** A list containing the types of document(s) you are filing.
- **Notice of Electronic Filing or NEF.** Your receipt of filing, indicating your document has been transmitted to the Court. You can save or print the notice. You will also receive an e-mail with the same Notice of Electronic Filing.

Click on the document number in the e-mail to view the document once without charge. Make sure you are using a single click, not double clicking on the document number. If you double click, you may be charged the PACER fee (currently 10 cents per page) for viewing the document.

- **Main Document and Attachments.** Click the Browse button and search your computer for the .pdf document. A main document example would be a motion. An attachment example would be a Proposed Order or exhibit.
- **Docket Text.** The official court record of your filing.

SEALED DOCUMENTS

- Per Local Civil Rule 5(g)(7), sealed documents **cannot** be electronically filed.
- In order to file a sealed document, you must first seek permission from the Court. The request must be submitted in the form of a Motion to Seal and include a Proposed Order and Declaration or Affidavit supporting your Motion.
- The Motion to Seal should include a detailed description of the documents or categories of documents you wish to protect.
- Once you receive an Order from the Court granting you permission to file sealed documents, the following procedures must be followed:
 - **Each** document to be filed under seal must be **hand-delivered to the Clerk's Office and placed in an envelope**, clearly identifying the enclosed document and stating that the document is "**FILED UNDER SEAL.**"
 - Sealed documents **cannot** be filed electronically.
 - Once a document is filed under seal, none of the parties (including the person who filed the document) will have access to retrieve, review or print the document(s).

For example:

- If both the motion and the accompanying affidavit should be filed under seal, the two documents must be submitted in separate, clearly marked envelopes so that each may be entered on the docket.
- If only one exhibit or document needs to be filed under seal only that exhibit or document should be submitted in an envelope.

PACER (Public Access to Court Electronic Records)

“**Public Access to Court Electronic Records (PACER)**” is an electronic service offered to the public that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy Courts, and can be accessed from the PACER Case Locator via the Internet. Links to all Courts are provided from this web site.

Electronic access is available by registering with the PACER Service Center, the judiciary's centralized registration, billing, and technical support center. More information can be found on their website at www.pacer.uscourts.gov.

Registering for a PACER account will enable you to:

- View documents filed in your case and other cases in our district and across the country.
- Run a docket activity report for your case.
- View written opinion orders of judges in our district at no charge.
- PACER charges access to case information at 10¢ per page. For more information, you may visit their website at www.pacer.gov.

PACER is a service of the United States Judiciary. The PACER Service Center is operated by the Administrative Office of the United States Courts.

ELECTRONIC FILING ASSISTANCE

For questions or assistance with electronic filing, there are a number of ways you may contact the ECF Support Unit:

- (206) 370-8440 – choose Option 2
- (866) 323-9293 – choose Option 2
- E-mail the ECF Help Desk at cmecf@wawd.uscourts.gov
- Contact the ECF Help Desk at 206-370-8440 and choose Option #2 at the prompt.

Part Four

SERVICE OF SUMMONS AND COMPLAINT

What does service mean?

You are required to let the defendant(s) know that you have filed a case against them in Federal Court. You do this by having Clerk's Office sign and stamp the Court's seal on the summons form. The summons will then be returned to you.

It is your responsibility to ensure every defendant receives a copy of the stamped summons form and a copy of your complaint. This process is called "**service**" or "**serving the defendant(s)**."

The rules for serving the original complaint are different from the rules for serving other papers and must be followed exactly. If the complaint is not properly served on the defendants, the case may not proceed. Rule 4 of the Federal Rules of Civil Procedure includes the requirements for serving the complaint.

When must it be done?

Under FRCP 4, you have 120 days from the date you file the complaint to serve the defendants in your case. If your case has a claim under State law, you might have fewer than 120 days to serve the defendant(s). Make sure you understand the applicable Federal and State Rules and time limits or your case could be dismissed. Contact an attorney for help in determining how much time you have for service.

Who must be served?

All defendants named in your complaint must be served. The defendants who are not served within the required time limit may be dismissed from your lawsuit. It is important to note that the clerk will only issue summons upon parties named as defendants in your complaint.

HINT: After you have filed your case and if you paid the filing fee, attempt to serve the certified summons and a copy of your complaint on the defendant(s) as soon as possible.

Who serves the documents?

As the plaintiff in the case, **you are responsible for the service of the complaint to all parties.** Please refer to FRCP 4 for information. You may wish to contact an attorney to find out the proper method by which to complete service.

HINT: If the defendant is a company that does business in Washington, the easiest way to serve the summons and complaint is on the registered agent. The registered agent is a person or company with a Washington address who is authorized to accept service of process. You can find out if a company has a registered agent by contacting the Washington Secretary of State at (360) 902-4151 or visiting their website at www.sos.wa.gov.

Service of complaint by U.S. Marshal's Service or Clerk's Office

In some cases the Court may order that the U.S. Marshal's Service or Clerk's Office serve the summons and complaint on the defendant(s). **A Court order is necessary to obtain service of process by the US Marshal's Service or Clerk's Office.** FRCP 4(c) and Local Civil Rule 4

Serving a summons on a Federal agency

If you are suing the United States Government, FRCP 4 includes a list of all parties you must serve. If you are suing the United States or one of its agencies, you cannot ask for a Waiver of Service.

How does the Court know when the summons has been served?

The person who serves the summons and complaint on the defendant must complete the Return of Service section on the back side of the summons and return it to you. The document must then be filed with the Clerk's Office.

If you send the summons by certified mail, you will receive the green certified mail receipt from the post office after the summons has been delivered. You should then attach the green receipt to the service page of the summons and file it with the Clerk's Office.

Part Five

What Happens After the Case is Filed?

Each case is unique and may or may not follow the steps outlined below. This is to be used as a general guideline and is not meant to be interpreted as the schedule for your particular case. The judge assigned to your case and his or her staff will be in communication with you regarding upcoming hearings or deadlines.

CASE ASSIGNMENT

The Clerk's Office will randomly assign a District Court Judge and case number when you file a new case. The case number must be written on all documents filed with the Court.

You cannot choose or request that a particular judge be assigned to your case. Once assigned to a District Judge, he or she may refer your case to a Magistrate Judge to handle different stages of your case leading up to trial.

However, if all parties consent to having a Magistrate Judge oversee the case, one will be randomly assigned by the Court. ([Rule 73](#) of the Federal Rules of Civil Procedure)

HINT: In cases where the parties have consented to having their case heard by a Magistrate Judge, all appeals of their decisions must be filed with the Ninth Circuit Court of Appeals.

If parties have not yet consented, appeals will be heard by a District Judge.

See [Rule 73\(c\)](#) of the Federal Rules of Civil Procedure for more information.

A Judge rules on the Motion to Proceed In Forma Pauperis

If you are unable to pay the \$400.00 filing fee, you may apply to have the fee "**waived**," which means that you may file your case without paying the filing fee. (See Part Two)

In order to do this, you must complete a **Motion to Proceed In Forma Pauperis**. A copy of this motion can be found at the end of this packet or on the Court's website.

If the judge **grants** your motion, you will not have to pay the filing fee and your case will proceed.

If the judge **denies** your motion, you will be given a deadline to pay the filing fee. If you are not incarcerated, you must pay the \$400.00 filing fee. After the fee is paid, you must then serve the summons on each defendant listed in your complaint. (See Part Four)

If you do not pay the fee, your case will not move forward and likely be dismissed.

Motion for Appointment of Counsel

If you would like an attorney and cannot afford to hire one, you may request that the Court appoint an attorney to represent you.

To request that the Court appoint you a lawyer, you must first file a **Motion for Appointment of Counsel**. A copy of this motion can be found at the end of this packet or on the Court's website.

If the judge **grants** your motion, you will be sent an order that contains the name, address and phone number of the lawyer who will be handling your case.

If the judge **denies** your motion, you must either represent yourself or find an attorney at your own cost to represent you.

Defendants do not file an answer

- **Entry of Default** - A party is in default when it fails to respond to a summons and complaint served on the party in the timeframe required by law. If a party is in default, the plaintiff can request that the default be entered into the Court record by the clerk, which gives the plaintiff the opportunity to request a default judgment. (FRCP 55 and Local Civil Rule 55)
- **Default Judgment** - After the Clerk's Office enters a default against a party, the plaintiff may then file a Motion for Default Judgment. Default Judgment is a judgment awarding the plaintiff the relief sought in the complaint because the defendant has failed to appear in Court or otherwise respond to the complaint. (FRCP 55 and Local Civil Rule 55)

Defendants file an answer

If a defendant responds to the complaint by filing an answer or a motion, the case will then proceed to the pretrial stage.

Pretrial stage

After a defendant has entered an appearance in the case, either by filing an answer or a motion, the case will then move into the pretrial stage.

The judge assigned to your case may order the parties to meet, either in person or by telephone, to discuss the issues and prepare a joint status report. The report will include a proposed schedule for the case.

You may also receive an order from the Court setting a scheduling conference. This conference will likely be the first time the parties will meet with the judge and may be held in the courthouse or telephone.

The assigned judge will then issue a scheduling order setting deadlines for discovery (obtaining information from each other about the case), filing motions, setting a pretrial conference and a possible trial date.

Discovery

To prepare a case for trial, the parties will conduct what is called “**discovery.**” In discovery, the parties must provide information to each other about the case, such as the identity of witnesses and copies of any documents related to the case. The purpose of discovery is to prepare for trial by requiring the litigants to assemble their evidence and prepare to call witnesses.

Each side may file requests or “**motions**” with the Court seeking rulings on the discovery of evidence or the procedures to be followed at trial. The following are examples of discovery documents and are not usually filed with the Clerk’s Office.

- **Depositions.** This is an interview where you, the defendants or other witnesses will answer questions in person and under oath. The deposition will be recorded by tape, video recording or by a court reporter. (FRCP 30)

Court reporters charge a fee to transcribe testimony and prepare written transcripts. You are solely responsible for payment of fees associated with services provided by the court reporter.
- **Interrogatories.** These are written questions that must be answered in writing, under oath. (FRCP 33)
- **Document Requests.** These are written requests for documents and tangible things (like a defective product). The term “**document**” can include all forms of recorded information such as drawings, graphs, charts, photographs, etc. (FRCP 34)
- **Requests for Admission.** These are written requests asking that you or the defendant(s) to admit that certain facts are true or that certain documents are genuine. (FRCP 36)

Dispositive motions

During the course of the case, a defendant or plaintiff may file a dispositive motion. Dispositive motions are motions that ask the Court to decide claims or the case without a trial. They are used when there are no factual disputes between the parties and the Court can decide a case or claim as a matter of law. Two common types of dispositive motions are **Motions to Dismiss** and **Motions for Summary Judgment.** (FRCP 12 and 56)

Final pretrial conference and pretrial order

The judge assigned to your case may schedule a final pretrial conference to take place after discovery has been completed. Unless otherwise ordered by the Court, both you and the defendant(s) must file a proposed pretrial order which must be submitted to the judge.

The pretrial order will serve as a “road-map” for the trial of the case, which will be limited to only the issues and claims outlined in the pretrial order. (Local Civil Rule 16)

After the pretrial conference, the Magistrate Judge will no longer be involved in the case unless you consent to having the Magistrate Judge preside over the whole case. The District Judge may also hold a status conference before the trial.

Trial

If your case goes to trial, it can be tried to the Court (meaning that only the judge decides the case) or to a jury.

If your case is tried to the Court, a jury will not be present. The judge will consider all evidence submitted and enter a ruling immediately or take the matter under advisement. If a judge takes a matter under advisement, he or she will issue a written order at a later date following the last day of trial. The entry of an order can sometimes take several months.

If your case is tried to a jury, you will go through the process of selecting a jury, which is called “**voir dire**.” This process allows the judge, you and the defendant(s) to ask questions of potential jurors to see if they are able to fairly and impartially decide the case. Once this process is completed, the jurors will be sworn to try the case.

In either a court or a jury trial, as the plaintiff you get to present your evidence first. The Federal Rules of Evidence will determine whether you can present certain factual information to the Court or jury. Evidence will consist of exhibits and testimony of witnesses. Please refer to Rule 45 of the Federal Rules of Civil Procedure on the issuance of subpoenas for trial. You will then ask questions of each witness.

When you are finished asking questions, the defense will then ask questions of your witnesses. When they are finished asking questions, you will have an opportunity to ask follow-up on questions asked by the defense, but you cannot ask new questions on topics not already discussed. The judge, on his or her own or following an objection from a party, will make decisions about whether a question is proper or if an exhibit should be admitted into evidence.

After you have presented all of your exhibits and witnesses, the defense will present their exhibits and question their witnesses after which you will be given an opportunity to ask questions of the witnesses. When the defense is finished, you will have a chance to put on additional witnesses, which are called “**rebuttal witnesses**.” If you call any rebuttal witnesses, you may not ask them new questions on topics that were not already discussed. You can use rebuttal witnesses to try and show that the testimony of defense witnesses was not accurate.

In a jury trial, the judge will prepare “**jury instructions**.” These are instructions on the law that the jury must apply to your case in making their decision. You and the defense counsel will be consulted on these instructions before they are read to the jury.

Once the jury has heard all the evidence and testimony and listened to the court’s instructions, they will retire to the jury room to “**deliberate**” or talk about the case. Once a decision is reached, the jury will come back into Court and the verdict will be read.

Judgment

If you win the case by default or at trial, the judge will direct the Clerk’s Office to prepare a judgment indicating the amount of damages you have been awarded from the defendant. The judgment will list the exact amount, in dollars and cents, and include which defendant owes you how much money. A deputy clerk will then prepare and sign a judgment.

If you lose at trial or by summary judgment, the judge will have the Clerk’s Office prepare a judgment stating that the defendant owes you nothing. However, the defendant may request that the Court order you to pay costs and attorneys fees associated with defending the case. The Clerk’s Office will then prepare and sign the judgment.

If you disagree with the Court’s decision, you may file an appeal to the Ninth Circuit Court of Appeals.

Notice of Appeal

You may appeal a final decision of this Court. In most cases, appeals should be filed with the United States Court of Appeals for the Ninth Circuit. You should review Federal Rule of Appellate Procedure 4 regarding time limits associated with filing an appeal or consult with an attorney.

The Filing fee for an appeal is \$505.00 unless the Court granted your Motion to Proceed In Forma Pauperis when your complaint was initially filed with U.S. District Court. However, it is ultimately the decision of the Court of Appeals for the Ninth Circuit whether or not you will need to pay the filing fee for the appeal.

If you paid the filing fee for your original case but you cannot afford to pay the appeal fee, you may file a **Motion to Proceed In Forma Pauperis** along with your appeal.

To file an appeal, you must file a “**Notice of Appeal**” with the Clerk’s Office. A Notice of Appeal form is available in the Federal Rules of Appellate Procedure Forms Index and on the Court’s website at www.wawd.uscourts.gov.

Information about the Ninth Circuit Court of Appeals can be found at www.ca9.uscourts.gov.

HINTS FOR WHEN YOU ARE IN COURT:

- No gum chewing; no eating; no drinking; no reading newspapers or magazines; no sleeping; no loud talking.
- When the judge enters or leaves the courtroom, you must stand up.
- Call the judge “Your Honor” and speak clearly.
- Do not bring cameras or other recording devices into the courtroom. If you bring your cell phone, be sure to turn it off before entering the courtroom or it may be taken away by the judge.

Part Six

Filing of Documents After Case is Filed

Once you've filed your case in Federal Court, you will need to familiarize yourself with the rules regarding how documents are to be submitted. This information can be found in the Local Rules for this district and the Federal Rules of Civil Procedure.

The judge assigned to your case may have specific requirements for how he or she wants documents presented. You may find this information on his or her "web page" on the Court's website. The web page, along with links to the Local Rules and Federal Rules of Civil Procedure, can be found at www.wawd.uscourts.gov.

Any documents you want the Court to consider must be filed with the Clerk's Office, either in paper form or electronically via the ECF system. In addition, you must serve defendant(s) copies of all documents filed. (FRCP 5 and Local Civil Rule 5)

The Clerk's Office can only assist you to a certain extent as we are not allowed to provide legal advice. If you are missing certain forms, the Clerk's Office can provide you with a copy for your use. As with previous sections of this guide, if there are any questions about whether you should or should not do something, we strongly encourage you to consult an attorney.

There are many forms available at the Clerk's Office, but **not all documents you wish to file will have a corresponding blank form**. For example: You may wish to file a motion with the Court, but the Clerk's Office does not carry a blank motion form for you to fill out. In this case, you will need to draft the motion in writing and submit it electronically through ECF (if registered), in person or through the mail.

FORMAT OF DOCUMENTS

All documents must be submitted on 8-1/2 x 11 inch white paper and bear line numbers in the left margin. Do not worry if you cannot type your document. If you do write document(s) by hand, **use a black or blue pen (no pencils) and write on one side of the paper only.**

The case number must be written on all documents filed with the Court. (Local Civil Rule 10)

REMOVAL OF PERSONAL IDENTIFYING INFORMATION

Before you file your complaint or any other documents with the Court, **you must remove dates of birth, names of minor children (use initials only), social security numbers, financial account numbers, passport ID numbers and driver license numbers.** This requirement serves to protect your privacy as anyone can access documents filed with the Court. (See Local Civil Rule 5.2).

MOTIONS

Filing and serving a complaint is the first step in a lawsuit. If you want the Court to do something, such as rule in your favor or extend a deadline, you must file a motion requesting that relief.

For example, if you need more time to respond to defendant's motion to dismiss, you should file a **"Motion for an Extension of Time to Respond to Defendant's Motion to Dismiss"** and include a proposed order that states how you would like the Court to rule on the motion.

All motions must be filed with the Clerk's Office, in paper or electronically, and served on all parties.

For most types of motions, the opposing party can file a response brief and the party who filed the motion can file a reply.

All motions must include a **"noting"** date. This is the date the motion will be ready for ruling. The noting date must appear on the face of the motion directly under the document title. (Local Civil Rule 7)

NOTING DATES

A. Same Day Motions

The following types of motions can be noted for the **same day** they are filed. A response or reply is not permitted unless ordered by the Court.

- Stipulations and agreed motions. (LCR 10(g))
- Motions to file over-length motions or briefs. (LCR 7(f))
- Motions for reconsideration. (LCR 7(h))
- Joint submissions pursuant to the optional procedure established in LCR 37(a)(2).
- Motions for default. (LCR 55(a))
- Requests or motions to enter default judgment when the opposing party has not appeared. (LCR 55)
- Ex parte motions

B. Second Friday Motions

The following types of motions cannot be noted any earlier than the **second Friday** after they are filed. Unless otherwise ordered by the Court, the response is due by the Wednesday before the noting date and the reply is due by the noting date.

- Motions for relief from a deadline.
- Motions for protective orders.
- Motions to seal. (CR 5(g))

C. Third Friday Motions

The following types of motions cannot be noted any earlier than the **third Friday** after they are filed. Unless otherwise ordered by the Court, any response is due by the Monday before noting date; any reply is due by the noting date.

- All non-dispositive motions except those specifically listed in other parts of Local Civil Rule 7(d).
- Examples include motions to amend pleadings, motions to remand and motions to compel discovery.

D. Fourth Friday Motions

The following types of motions cannot be noted any earlier than the **fourth Friday** after they are filed. Unless otherwise ordered by the Court, the response is due by the Monday before the noting date and reply due by the noting date.

- Dispositive motions. Motions that result in the final disposition of a claim, a party, or the entire case, including motions to dismiss and motions for summary judgment.
- Motion for a preliminary injunction.

E. Motions in Limine

For “**Motions in Limine**” the response is due by the Monday before the noting date and a reply is not permitted, unless otherwise ordered by the Court.

The motion must be noted no earlier than the **third Friday** after filing but no later than the Friday before the pretrial conference absent good cause.

ORAL ARGUMENT

To request oral argument on a motion, you must write “**Oral Argument Requested**” beneath the case number and document title. Oral argument on a motion occurs only after a request has been granted by the judge.

Do not appear in court on the noting date unless oral argument has been granted for that day. If the Court grants oral argument, all parties will be contacted by the judge’s clerk as to the date and time of argument. (Local Civil Rule 7)

LENGTH OF BRIEFS

Opening and answering briefs relating to motions for summary judgment or other dispositive motions shall not exceed 24 pages without prior approval of the Court.

Briefs which relate **to all other motions** shall not exceed 12 pages without prior approval of the Court.

A reply brief shall not exceed one-half the permitted length of the motion without prior approval of the Court.

For more information, see Local Civil Rule 7(e).

DATES AND SIGNATURE LINES

All pleadings and motions shall be dated and signed as provided by Rule 11 of the Federal Rules of Civil Procedure and as provided in the Electronic Filing Procedures adopted by the Court.

SUBPOENAS

Pro Se litigants cannot issue their own civil **subpoenas** for trial, depositions or entry onto premises. This applies to the issuance of “**foreign**” subpoenas (that is, subpoenas in other District Courts) as well. **The Court must issue civil subpoenas for Pro Se litigants.** The rules controlling the issuance of subpoenas can be found in the Federal Rules of Civil Procedure, Rule 45.

Change of Address

It is extremely important that you keep the Court updated on changes in your mailing address. Your address may be the only way the Court communicates with you regarding your case. **Failure to keep your address up to date may result in the dismissal of your case.** (Local Civil Rule 10)

Part Seven

Resources That May Help You

If you cannot afford an attorney but need legal advice, there are a number of agencies that may be able to help you.

Where can you get legal advice?

- Washington State Bar Association (800) 945-WSBA
www.wsba.org
- King Co. Bar Association (206) 267-7100
www.kcba.org/pbs/legalhelp.aspx
- Pierce Co. Bar Association (888) 822-5134
www.tacomaprobono.org
- Your local Bar Association.

Federal Civil Rights Legal Clinic

The Federal Bar Association for the Western District of Washington offers a free legal clinic to the public on the **first three Thursdays** of each month from **12:00-2:00 pm** at the U.S. District Courthouse in Seattle. A volunteer attorney will meet with clients for 30 minutes and provide free legal advice.

Clinic sessions **are by appointment only** and you must make an appointment in order to meet with an attorney.

To schedule an appointment, **you must call the appointment line at 206-267-7070, Tuesday through Thursday between the hours of 9:00am and 12:00pm.** If you get their voicemail message, leave your name and phone number and they will return your call as soon as possible.

**The clinic DOES NOT accept walk-ins.
You must have an appointment to meet with a volunteer attorney.**

The Legal Clinic deals with Federal legal issues involving discrimination, prisoner rights, Fourth Amendment search and seizure, excessive force, free speech, voting rights, the Second Amendment and religious freedom.

Volunteer attorneys are unable to provide legal representation but can refer clients to other community resources.

The Legal Clinic is located directly across from the Clerk's Office. Photo identification is required for entry into the courthouse.

Where can you do legal research?

The U.S. District Courthouse in Seattle offers a law library on 19th floor. The library is open **Monday through Friday, 12:30pm to 4:30pm.**

In addition, the King County Bar Association has a number of legal clinics in the greater Seattle area. The Washington State Bar Association can also refer you to a legal clinic outside of the King County area.

In addition, public universities and libraries may have materials to help you in researching your case. The Clerk's Office is unable to help with your legal research.

Glossary

- **Answer:** The formal written statement by a defendant responding to a civil complaint and setting forth the grounds for his/her defense.
- **Affidavit:** A written or printed statement made under oath.
- **Bench Trial:** A trial conducted before a judge without a jury. In such trials, the judge decides both questions of facts and questions of law. In a jury trial, questions of facts are determined by the jury and only questions of law are decided by the judge. The rules of evidence and procedural methods are the same in both.
- **Civil Cover Sheet:** A form that asks questions about your case and is required when filing a new case.
- **Clerk of Court:** An officer appointed to oversee the administrative duties of the Court. The Clerk of Court's signature may appear on some Court documents. However, the Clerk of Court does not take phone calls or come to the counter regarding your case. Instead, you should direct questions about your case to Clerk's Office staff or the case administrator for the judge assigned to your case.
- **Clerk's Office:** Located in the U.S. Courthouses in Seattle and Tacoma, the Clerk's Office is staffed with court employees who can answer procedural questions and process documents for filing. The Clerk's Office is open Monday through Friday, 9:00 a.m. to 4:30p.m. You can also reach the Clerk's Office by calling (206) 370-8400 for Seattle and (253) 882-3800 for Tacoma.
- **Complaint:** A written statement filed by the plaintiff stating what the plaintiff claims that the defendant did and requesting relief from the Court.
- **Contract:** An agreement between two or more persons that creates an obligation to do or not to do a particular thing.
- **Counsel:** Legal advice. Also a term also used to refer to lawyers in a case.
- **Court:** Government entity that resolves legal disputes.
- **Damages:** Money paid by defendants to successful plaintiffs in civil cases to compensate plaintiffs for their injuries.

- **Defendant:** In a civil case, the person, company or organization that the plaintiff is suing.
- **District Judge:** A judge in the Federal Court system appointed for life by the President of the United States with confirmation by the United States Senate.
- **Dismiss a Case:** When a judge dismisses a case, the judge essentially ends the case without a trial. If the dismissal is "**with prejudice**" the plaintiff cannot refile the case. If the dismissal is "**without prejudice**" the plaintiff may be able to request that a case be refiled or reopened at a later date.
- **Docket:** A summary of the activity in a certain case, containing a list of filings. The docket tells you who filed the case, who it is against, attorneys on the case and when documents were filed. The docket is available electronically through the Court's CM/ECF system. To "**docket**" an item is to upload it onto our CM/ECF system.
- **Evidence:** Information presented to a judge or jury, including documents and testimony of witnesses.
- **Federal Question Jurisdiction:** Jurisdiction given to Federal Courts in cases involving the U.S. Constitution, acts of Congress and treaties.
- **In Forma Pauperis:** "**In the manner of a pauper.**" Permission given by the Court to a person to file a case without prepayment of the required court fees because the person cannot afford them.
- **Issue:** The disputed point between parties in a lawsuit. To send out officially, as in a Court issuing an order.
- **Judge:** An official of the judicial branch with authority to decide lawsuits brought before the Courts.
- **Judgment:** The official decision of a Court resolving a dispute between the parties to a lawsuit.
- **Jurisdiction:** The legal authority of a Court to hear and decide a case. The geographic area over which the Court has authority to decide a case.
- **Jury:** The group of persons selected to hear the evidence in a trial and render a verdict on matters of fact.

- **Lawsuit:** A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff.
- **Magistrate Judge:** Judicial officers appointed by the judges of Federal District Courts pursuant to the United States Magistrates Act. Federal Magistrates may be assigned some, but not all, duties of a United States District Court Judge.
- **Motion:** A request by a litigant that a judge enter a ruling or take some action relating to a case.
- **Noting Date:** This is the date the motion will be ready for ruling. The noting date must appear on the face of the motion directly under the document title. (Local Rule 7)
- **Party:** One of the litigants. At the trial level, the parties are typically referred to as the plaintiff and defendant.
- **Plaintiff:** The person who files the complaint in a civil lawsuit.
- **Pleadings:** Written statements filed with the Court which describes a party's legal or factual assertions about the case.
- **Praecipe:** A form located on the Court's website that requests the Court to do, or not to do, an action.
- **Procedure:** The rules for conducting a lawsuit.
- **Pro Se:** A Latin term meaning "**on one's own behalf**". In courts, it refers to persons who present their own cases without lawyers.
- **Record:** A written account of the proceedings in a case, including all pleadings, evidence and exhibits submitted in the course of the case.
- **Sealed:** To close off records from public access. (Local Rule 5)
- **Statute:** A law passed by the legislature.
- **Summary Judgment Motion:** A motion for summary judgment asks the Court to rule in one party's favor without a trial.
- **Summons:** A notice, typically served along with a complaint, informing the defendant that a lawsuit has been initiated and notifying the defendant of how he or she should respond.

- **Testimony:** Evidence presented orally by witnesses during depositions, trials or before grand juries.
- **Witness:** A person called upon by either side in a lawsuit to give testimony before the Court or jury.

Final Checklist for Filing

Please review the follow checklist to ensure you are fully prepared to file your case.

1. Read this guide carefully. The information included in this packet contains valuable information about how to navigate through the Federal Court system.
2. Obtain the required Court forms by either utilizing the forms at the end of this packet or obtaining them on the Court's website.
3. Fill out all forms completely, including, but not limited, to the Civil Cover Sheet, Complaint, Summons and, if applicable, Motion to Proceed In Forma Pauperis.
4. Clearly print your contact information on the complaint and civil cover sheet, including your address and phone number. The Court will use this information to send correspondence from the Court. It is your responsibility to notify the Court in writing if you change your address or phone number.
5. All documents filed must include an original signature. The Clerk's Office cannot accept typed signatures.
6. If you are paying the \$400.00 fee in person or through the mail, the Clerk's Office accepts all major credit cards (Visa, MasterCard, American Express), personal checks, money orders or cashier checks. Please have your payment ready at the time of filing. **The Clerk's Office does not accept cash.**
7. If you choose to open your case via e-mail, you can send your documents to the Court's new cases box at newcases.seattle@wawd.uscourts.gov for Seattle and newcases.tacoma@wawd.uscourts.gov. **All documents must be submitted in .pdf format.**
8. If you cannot afford the filing fee at the time of filing, you may submit a **Motion to Proceed In Forma Pauperis (IFP)**. The form must be filled out and signed before being submitted to the Clerk's Office. Summons will not be issued until the judge rules on the motion.
9. Summons must include the defendant's name and address as well as your name and address. The form can be found at the end of this packet or on the Court's website. A separate summons form must be filled out for each defendant listed in your complaint.

10. If you will be filing your case in person at the courthouse, bring all of your documents in an organized manner, with each document filled out completely and signed with an original signature.
11. If you would like a copy of your new case documents after a case number and judge are assigned, we strongly suggest that you bring an extra copy for your records.
12. The Clerk's Office charges a copy fee of 50¢ per page if documents are copied by Clerk's Office staff

Copy fees can be paid via credit card (Visa, MasterCard, American Express, Discover) or by personal check, cashier check or money order. The check/money order must be made presented in the exact amount owed. **The Clerk's Office does not accept cash.**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

Western District of Washington

Plaintiff

vs.

Defendant(s)

Case Number: _____

DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS AND WRITTEN CONSENT FOR PAYMENT OF COSTS

DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS

I (print your name) _____ declare I am the plaintiff in this case; I believe I am entitled to relief; and I am unable to pay the costs of this proceeding or give security therefor. The nature of my action is *briefly* stated as follows: _____

In support of this application, I answer *all* of the following questions:

1. Are you presently employed?

Yes Total amount of net monthly salary (take home pay) \$ _____

Name and address of employer _____

No Date of last employment _____ Total amount of last net monthly salary \$ _____

2. If married, is your spouse presently employed? Not married

Yes Total amount of spouse's net monthly salary (take home pay) \$ _____

Name and address of employer _____

No Date of spouse's last employment _____ Total amount of last net monthly salary \$ _____

3. For the past twelve months, list the amount of money you and/or your spouse have received from any of the following sources.

a. Business, profession or other self-employment \$ _____

b. Income from rent, interest or dividends \$ _____

c. Pensions, annuities or life insurance payments \$ _____

d. Disability, unemployment, workers compensation or public assistance \$ _____

e. Gifts or inheritances \$ _____

f. Money received from child support or alimony \$ _____

g. Describe any other source of income _____ \$ _____

4. List the amount for each of the following for you and/or your spouse:

Cash on hand \$ _____ Checking Account \$ _____ Savings Account \$ _____

5. Do you and/or your spouse own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If Yes, describe the property and state its approximate value:

Yes No [Text Box] \$ [Text Box]

6. Are any persons dependent upon you or your spouse for support? If Yes, state their relationship to you or your spouse, and indicate how much is contributed toward their support each month. (Do not include names of minor children.)

Yes No [Text Box] \$ [Text Box]

7. Describe the types of monthly expenses you incur, such as housing, transportation, utilities, loan payments, or other regular monthly expenses and the amount spent each month.

[Text Box] \$ [Text Box]

8. Provide any other information that will help explain why you cannot pay court fees and costs.

[Text Box]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: (Date) _____ Signature of Plaintiff _____

WRITTEN CONSENT FOR PAYMENT OF COSTS UNDER LOCAL RULE CR3(b)

I, (print your name) _____

hereby consent that any recovery in damages that I may receive in the above-captioned cause may be reduced, if so directed by the court, in such an amount as is necessary for payment of the unpaid fees and costs which are taxed against me in the course of this litigation.

Executed on: (Date) _____ Signature of Plaintiff _____

Instructions for use:

1. Check the above box "Highlight Fields" to show fields on this form.
2. Complete the form.
3. Print, sign the document, and file with the court..

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

Plaintiff(s)

vs.

Defendant(s),

COMPLAINT

Parties to this Complaint:

Plaintiff's Name, Address and Phone Number

Defendant's Name, Address and Phone Number

Defendant's Name, Address and Phone Number

1 Defendant's Name, Address and Phone Number

2

3

4

5 (If you have more defendants, list them using the same outline on another piece of paper.
6 Attach additional sheets, if necessary)

7 **Jurisdiction**

(Reason your case is being filed in federal court)

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11 **Statement of Claim:**

(State here as briefly as possible the facts of your case.)

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Statement of Claim
(continued):

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A large, empty rectangular box with a thin black border, occupying the majority of the page. It is positioned to the right of the numbered list and below the section header. This box is intended for the user to provide the details of their statement of claim.

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Relief:

(State briefly exactly what you want the court to do for you)

Jury Demand:

(Optional)

Date

Signature of Plaintiff

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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Civil Action No.

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:

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CASE NO. _____

APPLICATION FOR COURT-
APPOINTED COUNSEL

Noted for Determination on:

(Insert date of 3rd Friday after filing)

Plaintiff(s))
vs.)
Defendant(s))

MOTION

Plaintiff respectfully requests that the Court appoint counsel to represent him/her. This action seeks relief under federal statutes protecting civil rights. This is **not**, however, an employment discrimination action brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.

FINANCIAL AFFIDAVIT

Has this Court previously granted you leave to proceed in forma pauperis? _____. If such was granted in a different case in this Court, please supply the case number. _____.

(Please complete in full the attached Financial Affidavit.)

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PREVIOUS EFFORTS TO RETAIN AN ATTORNEY

Describe briefly the efforts you have already made to retain an attorney. Indicate as accurately as possible how many attorneys you have contacted, and over what period of time. You need not identify the specific attorneys, and should not indicate the reasons they declined to represent you.

MERITS OF CLAIM

Has the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, or other state or federal agency officially determined whether there is reasonable cause to believe that the allegations of your complaint are true?_____. If so, please identify the agency which made the finding, and the conclusion the agency reached. _____

If there has been no such finding in your favor by a government agency, you may attach a brief statement showing why your claim has merit. Do not include exhibits or other evidence. Your statement is incorporated in this application and is subscribed under oath.

AFFIDAVIT OF SERVICE

The following is a list of all other parties, and their respective attorneys, who have appeared or answered in this action.

PARTY

ATTORNEY

_____	_____
_____	_____
_____	_____

1 I have directed a copy of this entire Application, by mail or by personal service, to the attorney
2 for each such party.

3 I, _____, plaintiff in this action, swear that I have read
4 this entire Application, including any attachments, and the Complaint. In accordance with 28 U.S.C.
5 § 1746, I declare under penalty of perjury that the foregoing information is true and correct.

6
7 Executed on this _____ day of _____, _____.

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11 _____
12 Signature of Plaintiff

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15 Plaintiff's Name, Address and Telephone:
16 _____
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27 Application for Court-Appointed Counsel 3



U.S. DISTRICT COURT Western District of Washington

Pro Se Registration Form For the Electronic Case Filing System (ECF)

Please complete a form for *each case* you have before the Court.

Check One:

- Please register me to **receive service of documents and notice of electronic filings to my e-mail*** via the Court's electronic filing system (ECF). This option does *not* allow me to file documents electronically. I will continue to file documents in paper with the Court.
- Please register me to **file documents electronically** and receive service of documents and notice of electronic filings to my e-mail*** via the Court's electronic filing system (ECF).

My Name is: _____ My Case Number is: _____

E-mail Address: _____ Phone Number: _____

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Signature (Type an "s/" and your name, or print and sign)

Date signed

* By registering for electronic service, you waive your right to receive service of documents by first class mail, according to [Federal Rule Civil Procedure 5\(b\)\(2\)\(E\)](#). You will be sent a Notice of Electronic Filing via e-mail. Upon receipt of this notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number. **The one "free look" will expire 15 days from the date the notice was sent.** After the "free look" is used or expires, the document can only be accessed through PACER (Public Access to Court Electronic Records). It is recommended that you establish a PACER account, by visiting the [PACER website](#). PACER is an automated system that allows an individual to view, print, and download documents for a nominal fee.

**By registering for electronic filing, you must familiarize yourself with and follow rules and procedures of the Court, such as the [Federal Rules](#), [Local Rules](#), and the [Electronic Filing Procedures](#).

To E-mail This Form: Save a copy of this form to your computer and then send it as an attachment to: cmecfreg@wawd.uscourts.gov. You will receive e-mail confirmation of your registration when it is processed. If registering for electronic filing, you will also receive a login and password. **(Allow 24 hours for processing time.)**

To Mail This Form: Print and mail to: Clerk, U.S. District Court, Western District of Washington, ATTN: ECF Registration, 700 Stewart Street, Suite 2310, Seattle, WA, 98101. You will receive e-mail confirmation of your registration when it is processed. If registering for electronic filing, you will also receive a login and password. **(Allow for mailing and 24 hour processing time.)**

For Help in Saving this Form: Download the free Adobe Reader [here](#).

For assistance, please contact the **ECF Support Team** at **(206)370-8400, then press Option 3** (Seattle area), **(866)323-9293, then press Option 3** (Outside Seattle area) or e-mail us at : **cmecf@wawd.uscourts.gov**