

# WAIVER OF SERVICE OF SUMMONS

**TO:** \_\_\_\_\_  
(Name of Plaintiff's Attorney or Plaintiff Pro Se)

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

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

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

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

\_\_\_\_\_  
Date  
Printed/Typed Name: \_\_\_\_\_  
AS \_\_\_\_\_ OF \_\_\_\_\_

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

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

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

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