

Notice of Lawsuit and Request for Waiver of Service of Summons  
(Minn. R. Civ. P. 4.05)

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Why Are You Getting This?**

A copy of a Summons and Complaint/Petition is attached to this notice. This is not formal service of the summons on you, but rather is my request that you sign and return the enclosed waiver of service in order to avoid the cost of serving you. The cost of service will be avoided if I receive a signed copy of the waiver (CIV022B) within \_\_\_\_\_ days after the date designated below as the date on which this Notice and Request is sent.

I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver (CIV022B) is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is signed, except that you will not be obligated to answer the complaint/petition before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is outside the United States).

**What Happens Next?**

If you do not return the signed waiver form within the time indicated, I will arrange to have the summons and complaint/petition served on you (or the party on whose behalf you are addressed) and will then, to the extent authorized by court rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. Your duty to waive the service of the summons is explained below.

I affirm that this request is being sent to you on behalf of the plaintiff / petitioner this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

Note: Court Form CIV022A is substantially similar to Minn. R. Civ. P. Form 22A and meets the rule requirements.

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

Rule 4 of the Minnesota Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant/respondent located in the United States who, after being notified of an action and asked by a plaintiff/petitioner 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. It is not good cause for a failure to waive service that a party believes that the complaint/petition is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property.

A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. A defendant/respondent who waives service must within the time specified on the waiver form serve on the plaintiff/petitioner's attorney (or unrepresented plaintiff/petitioner) a response to the complaint/petition. If the answer or motion is not served within this time, a default judgment may be taken against that defendant/respondent. By waiving service, a defendant/respondent is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.