

## Pro Se Instruction Sheet in Civil Cases

This sheet contains some of the Court's rules that a civil plaintiff who is representing himself or herself without a lawyer must follow.

### A. Filing papers with the Court

To start 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 Court and the defendants how and why you believe the defendants violated the law in a way that injured you. Filing a complaint sounds simple but it means more than just giving your papers to the Clerk's Office to file. The papers must meet the Court's rules—if they do not, your case may be delayed or dismissed. For instance, when you file your complaint, you must pay a filing fee or request permission to waive the fee by submitting an application to proceed in forma pauperis. You must also attach a civil cover sheet. You can obtain an application to proceed in forma pauperis and the cover sheet at the Clerk's Office which is located in the U.S. Courthouse or at <http://www.wawd.uscourts.gov/sites/wawd/files/IFPApplication.pdf>. In addition to filing your complaint with the Court, all other original papers that you wish the Court to consider must be filed with the Clerk of this Court, either in paper form or electronically. All papers that you file must have in the upper right-hand corner the name of the Judge to whom the paper is directed. Also, all papers you file must contain proof that you served the document on the lawyer for the opposing party or upon any party acting pro se.

### B. Serving the complaint and other papers

After you file your lawsuit, you must serve your papers on the other side, which means making sure they receive copies. Until the other side receives the papers in a way that the law says is valid, they are not a party to the lawsuit, and the case has not really begun. You must give the other parties to your lawsuit a copy of every paper that you file with the Court. This is called "serving" the other parties. Serving your papers is critical. If you do not serve your papers on the other parties in exactly the way required by law, it is as if you never filed those papers at all.

#### 1. Serving the complaint and obtaining summons

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 other parties, the case will not proceed. Rule 4 of the Federal Rules of Civil Procedure lays out the requirements for serving the original complaint. All of the Federal Rules of Civil Procedure may be accessed at

<http://www.law.cornell.edu/rules/frcp/>.

In order to serve the original complaint, you must first get a summons form from the Clerk's Office. You can get blank summons forms at: <http://www.wawd.uscourts.gov/sites/wawd/files/AO440WAWD.pdf> or from the Clerk's office located at the U.S. Courthouse, 700 Stewart Street, Seattle, or 1717 Pacific Avenue, Tacoma. After obtaining the summons forms and preparing them for issuance, you must give them to the Clerk of Court for issuance. You should prepare a summons form for each defendant. You must then serve your summons and complaint in way described in Rule 4 of the Federal Rules of Civil Procedure. If you do not serve your complaint and summons within 120 days of the day you filed the complaint, the Court may dismiss your case.

## **2. Serving other papers**

Once you have served your complaint, it is usually easier to serve other papers. Rule 5 of the Federal Rules of Civil Procedure lays out what you must do to serve papers other than the original complaint. For instance, if the party you have served has a lawyer, then you must serve that party by serving their lawyer. If the other party does not have a lawyer, then you must serve your papers on the party. You can serve your papers in several ways including mailing it to the person's last known address. You must show you served your papers by attaching a proof of service certificate that states the date and the way you served your papers.

## **C. Filing Motions**

Filing and serving a complaint is the first step in a lawsuit. After that, if you want the Court to do something, you must file a written motion. Basically, a motion is a formal request that asks the Court to take certain action. For instance, if you need more time to respond to a motion filed by your opponent to dismiss your case, you should file a paper entitled: Motion for an Extension of Time to Respond to Defendant's Dismissal Motion. You should also file with your motion a proposed order that states what you want the Court to do. After you file your motion and proposed order, you must serve it on the opposing party to give them a chance to respond. Under the Court's local rules you must put all of the reasons for your motion in the motion itself, not in a separate paper. All of the Court's local rules can be accessed at <http://www.wawd.uscourts.gov/local-rules-and-orders>. Your motion must state in its caption, right below the motion's title, a noting date. The noting date is the date the Court will review your motion.

Note the following motions **for the day** they are filed: 1) Stipulated or agreed, 2) Request for over-length pleading, 3) Reconsideration, 4) Default and Default Judgment, 5) Joint submissions and Ex Parte. All other motions shall be noted on a Friday.

Note the following motions **two Fridays** after filing: 1) Relief from deadline, 2) Protective order and 3)Seal.

Note the following motions **three Fridays** after filing: 1) Other non-dispositive motions, 2) Amended pleadings, 3) Default (where opposing party has appeared), 3) Discovery, 4) Quash, and 5) Tax and retax costs.

Note the following motions **four Fridays** after filing: 1) Dispositive motions (dismissal and summary judgment), and 2) Preliminary Injunctions.

#### **D. Summary Judgment Motions**

A motion for summary judgment asks the Court to dismiss the case. A case normally goes to trial where the parties disagree on the facts of the case. A Court can dismiss a case if there is no disagreement on the facts and the facts show that as a matter of law, one side should win. If your opponent files a motion for summary judgment, you have the right to file counter-affidavits or other evidence to oppose the motion. For example, if your opponent moves for summary judgment alleging you ran a red light and hit him, you have the right to file a counter-affidavit contesting that claim. If you fail to contest the facts your opponent presents in a summary judgment motion, the Court can consider your opponent's facts as undisputed and true and may enter final judgment against you without a trial.

#### **E. Removal of personal identifying information**

You must remove certain personal identifying information in all papers filed with the Court. This includes dates of birth, names of minor children, social security numbers, financial account numbers, passport and driver license numbers.

#### **F. Direct contact with Judge prohibited**

You cannot communicate directly with the District Judge or the Magistrate Judge about your case. If you wish the Court to take action or consider something, you must file a motion with the Clerk of the Court with copies sent to opposing counsel.

#### **G. Change of address**

You must inform the Clerk and opposing parties promptly if you change your address. If you fail to do so, your case may be dismissed.

#### **H. Lack of action**

It is important that you take action after you start your lawsuit. If more than one year passes without any sign that you are taking action to prosecute your case, the Court may dismiss your case for lack of prosecution.