

# **Pro Se Guide**

## TO FILING YOUR LAWSUIT IN FEDERAL COURT



## **Disclaimer:**

This guide is intended to assist individuals wishing to file a civil action in the United States District Court, Western District of Washington without an attorney, which is referred to as appearing "pro se." This manual is provided for informational purposes only and does not constitute legal advice. The Federal Rules of Civil Procedure (<u>FRCP</u>), this court's Local Civil Rules (<u>LCR</u>) and the Electronic Case Filing System (CM/ECF) 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 or problem outside of court

re 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 resolve the dispute, it's called 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.

- Try talking to the person, business, or government agency that you feel has done something wrong by asking them 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 statewide agencies that may be able to assist you.
- Contact an attorney. An attorney will be able to help you determine if federal court is the right place to solve your problem and provide you with information about legal resources available in the community.

You also have the right to file your case without an attorney, which is known as proceeding, "**pro se**." Appearing pro se means that you will be representing yourself without the assistance of a lawyer.

If you decide to represent yourself, the court will treat you the same as it would an attorney. You will be expected to state your issues clearly and concisely, meet all deadlines, and follow the court rules.

## Are you in the correct court?

Before filing a case in federal court, you first need to make sure that you are filing it in the correct court. This can be especially important if you are working with a deadline for certain statutes of limitations. Filing your case in the wrong court may affect whether or not you meet those required deadlines.

Before filing your case in federal court, you may want to ask yourself the following questions.

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

If so, you are likely in the wrong court. State courts generally hear family law matters and landlord-tenant disputes. You can learn more about Washington State Courts at <u>www.courts.wa.gov</u>. 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 likely in the right court.

## Should you file your case in Tacoma or Seattle?

The U.S. District Court for the Western District of Washington has courthouses in Seattle and Tacoma. Where you file your case depends on the county in which the claim arose or where the defendant(s) reside, as established by the Court's Local Civil Rules (<u>LCR</u>).

A list of counties and their corresponding jurisdictional courthouses can be found on the following page.

If the defendant(s) reside in or the incident occurred in one of the following counties, you should file your case in **Seattle**.

- Island County
- King County
- San Juan County
- Skagit County
- Snohomish County
- Whatcom County

If the defendant(s) reside in or the incident occurred in one of the following counties, you should file your case in **Tacoma**.

- 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 and therefore, the following types of cases may be filed here.

## 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 United States Constitution and federal laws such as damages at sea, federal tax matters and other areas. Some federal laws may duplicate some state laws, such as civil rights matters.

#### 3. Cases where the parties reside in different states.

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

Diversity cases must involve a claim of damages over \$75,000. If you are not seeking more than that amount, or 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?

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

## Other issues to consider

Before filing your case in federal court, please be aware of the following:

#### Frivolous or harassing lawsuits

The Federal Rules of Civil Procedures, <u>FRCP 11(b)</u>, prohibits the filing of lawsuits that are clearly frivolous or filed just to harass someone. If the judge determines that you have filed a lawsuit for an improper or unnecessary reason, sanctions may be imposed against you, including ordering that you pay the legal fees of the party you sued.

## What happens if you lose?

If you lose your case, the winning party may ask that you be ordered to pay attorney fees. The winning party is also entitled to seek certain costs which were incurred during the lawsuit. These costs can include deposition transcript fees, witness fees, copy expenses, etc. 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 address the facts you are contesting, you must submit the required documents to open a case in the United States District Court for the Western District of Washington.

## Rules that you must follow

Before you file a case, you should begin by reviewing the local and federal rules that govern the filing of a case in this court. By appearing pro se and representing yourself, the judge will expect you to be familiar with the court rules that govern the filing of a civil lawsuit in federal court.

## 1. Federal Rules of Civil Procedure (FRCP)

The Federal Rules of Civil Procedure (<u>FRCP</u>) govern court procedures for civil cases. A link to the federal rules can be found at <u>www.law.cornell.edu/rules/frcp</u>\_

## 2. Local Civil Rules (LCR) for the 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 for the Western District of Washington. They are published in addition to the federal rules. Be aware that local rules differ from court to court, so you should refer to the local rules of the Western District of Washington. The Local Civil Rules (<u>LCR</u>) and Federal Rules of Civil Procedures (<u>FRCP</u>) can be found on our website at <u>www.wawd.uscourts.gov/representing-yourself-pro-se</u>

## 3. Western District of Washington's Electronic Filing System (CM/ECF)

Information about how to register to file and receive documents electronically through the court's Electronic Filing System (CM/ECF) can be found in Part Three of this guide or on our website at <u>wawd.uscourts.gov/attorneys/cmecf</u>

#### Required forms to file a new case

The following documents are required to file a new case.

- 1) Complaint form
- 2) Civil Cover Sheet
- 3) Payment of the filing fee (\$402.00) or submittal of an Application to Proceed In Forma Pauperis – commonly referred to as an "IFP" – requesting that the court waive the filing fee. Additional information about how to submit an IFP can be found on page 14.

## Complaint

To file a new case, you must first complete a document called a "**Complaint**." A complaint is a legal document that describes why you believe the defendant(s) violated the law and what you want the court to do about it.

To file a case, you must follow the procedures outlined below.

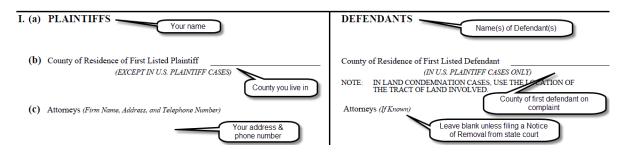
- 1. Select the correct complaint form based on the type of case you are filing. Complaint forms can be found on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Self-Representation" or by calling the Clerk's Office in Seattle (206-370-8400) or Tacoma (253-882-3800) to request a complaint form be mailed to you.
- Documents must be typed or neatly written in blue or black ink (no pencils) on white, 8<sup>1</sup>/<sub>2</sub> x 11 paper. <u>Do not</u> write on both sides of the paper. You must include your name, address and phone number on each document submitted.
- 3. All documents must be dated and signed with an **original** signature, as established by <u>FRCP 11(a)</u>.

- 4. In the body of the complaint, explain in detail what happened, where it happened, when it happened, how it happened and who was involved.
- 5. You may also choose to supplement your complaint in the form of an "**exhibit**." An exhibit is a document, record or physical object. For example, medical reports, transcripts or photographs.
- 6. Documents with personal identifiers must be redacted (blacked out) or removed before they are filed, as established by <u>LCR 5.2(a)</u>.
  - Dates of birth (redact to year of birth)
  - Names of minor children under 18 (redact to initials)
  - Social security numbers (remove entirely)
  - Financial account numbers (redact to last four digits)
  - Taxpayer identification numbers (remove entirely)
  - Passport ID numbers (remove entirely)
  - Driver license numbers (remove entirely)

## **Civil Cover Sheet**

A "**Civil Cover Sheet**" is a document that provides the court with basic information about your case and must be filed when you submit your initial documents, as established by <u>LCR 3(a)</u>. The Civil Cover Sheet can be found at the end of this guide or on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Civil."

## Section I - Parties



Section 1(a): Your name and name(s) of the defendant(s).

- Section 1(b): Your county and county of first listed defendant.
- Section 1(c): Since you are appearing pro se, write your name, address and phone number under "Attorneys."

#### Section II – Basis of Jurisdiction

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

This section lets the court know what type of case you are filing.

- 1. <u>Government Plaintiff</u>: This box is for government agencies only.
- 2. <u>Government Defendant</u>: Mark this box if you are filing a case against a federal agency or the United States government.
- 3. <u>Federal Question</u>: Mark this box if your case is about a federal law.
- <u>Diversity</u>: Mark this box if the defendant(s) live in another state or country; is not a federal agency or if your case involves a claim valued over \$75,000.

#### Section III – Citizenship of Principal Parties

III. CITIZENSHIP C (For Diversity Cases C		NCIPA	AL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)			
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF 1 4	DEF	
Citizen of Another State	□ 2	2	Incorporated and Principal Place of Business In Another State	□ 5	□ 5	
Citizen or Subject of a Foreign Country	□ 3	□ 3	Foreign Nation	<b>6</b>	<b>6</b>	

This section is **only** used if you marked "Diversity" in Section II. Diversity refers to cases where the parties involved are from different states or countries. If "Diversity" was chosen, mark the correct box where you and the first listed defendant(s) are located.

## Section IV - Nature of Suit

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.						
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Acbestos Personal	625 Drug Related Seizure of Property 21 USC 881 690 Other	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent - Abbreviated	375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 410 Antibust 430 Banks and Banking 450 Commerce 460 Derostration	
Student Loans (Excludes Veterans)	340 Marine 345 Marine Product	Injury Product Liability		New Drug Application 840 Trademark	400 Deportation 470 Racketeer Influenced and Corrupt Organizations	
153 Recovery of Overpayment of Veteran's Benefits     160 Stockholders' Suits     190 Other Contract     195 Contract Product Liability     196 Franchise	Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Maluractice	PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act	880 Defend Trade Secrets Act of 2016           SOCIAL SECURITY           861 HIA (1395ff)           862 Black Lung (923)           863 DIWC/DIWW (405(g))           864 SSID Trite XVI	480 Consumer Credit (15 USC 1681 or 1692) 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securites/Commodities/ Exchange 890 Other Statutory Actions	
REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accounted ations 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 448 Education	PRISONER PETITIONS Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 335 Death Penalty Other: 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee - Conditions of Confinement	790 Other Labor Litigation 791 Employee Retirement Income Security Act <b>INIMICRATION</b> 462 Naturalization Application 465 Other Immigration Actions	865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plainhff or Defendant) 871 IRS—Third Party 26 USC 7609	90 An Status Acts 93 Environmental Matters 93 Environmental Matters 93 Environmental Matters 93 Environmental Matters 99 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes	

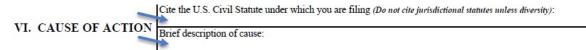
You can only choose <u>one</u> box. If your complaint includes multiple claims, select the one that most closely represents what your case is about.

#### Section V - Origin

V. ORIGIN 1 Original Proceeding	(Place an "X" in One Box Only) 2 Removed from State Court 3	Remanded from Appellate Court	□ 4 Reinstated or □ 5 Reopened	5 Transferred from another district (specify)	☐ 6 Multidistrict Litigation	Appeal to District Judge from Magistrate Judgment
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This section has several options to choose from. Origin (1) "Original Proceeding," is frequently chosen as it indicates you are filing a new lawsuit. However, if you are filing a case that you are removing from state court to federal court, you should choose (2) "Removed from State Court."

#### Section VI – Cause of Action



In this section, you will provide a brief statement explaining what your case is about.

## Section VII – Requested in Complaint

VII.	REQUESTED I
	COMPLAINT:

IN CHECK IF THIS IS A CLASS ACTION DEMAND \$

The only information you will complete in this section is the jury demand box, as established by <u>LCR 38(b)</u>.

#### Section VIII – Related Case(s) If Any

Complete this section if you currently have or have had cases in this court or other federal courts with the same defendant(s). If so, add the name of the judge and case number to the form. You are also required to file a **"Notice of Related Cases,"** listing the case information. As the court does have a general form to use, you may create your own.



#### Sign and Date Form

Because you are appearing pro se (i.e., acting as your own attorney), you must sign and date the box at the bottom of form under, "Signature of Attorney of Record."



#### Summons

A "**Summons**" is a document that demands that the defendant(s) respond to your complaint. You must fill out the required fields on the summons form before submitting it to the court. The form may be found on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Civil" and at the end of this guide.

If you pay the filing fee, summons can be issued immediately. If you file an IFP, summons will not be issued until the motion is granted and the clerk receives permission from the court to do so. The clerk will then sign and adhere the court's seal to the summons. The clerk can only issue summons for defendant(s) listed on the complaint.

After summons have been issued and the defendant(s) have been "served" a copy of the complaint and accompanying documents, you must file a document called a "**Proof of Service**," which is on the second page of the summons form. This document provides proof to the court that the defendant(s) have been properly served with your lawsuit. See Part Four of this guide for more information.

If you prefer to wait and have summons issued later, you may submit them with a "**Praecipe**" form. A praecipe is a document asking the court to take official action on a specific request. Praecipe forms can be found on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Civil."

## Application to Proceed In Forma Pauperis (IFP)

The filing fee to open a case in federal court is \$402.00.

If you cannot afford to pay the filing fee, you can apply to have the fee "waived," which means your case may proceed without payment of the filing fee. In order to make that request, you must complete an "**Application to Proceed In Forma Pauperis**" – commonly referred to as an "IFP" – and submit it with your initiating documents.

It is very important to fill out the form completely as the judge will use this information to determine if you have the financial ability to pay the filing fee.

Once a decision has been made, a copy of the order will be mailed to you at the address listed on the complaint. Summons will not be issued until the IFP has been granted and the court gives the clerk permission to do so.

The IFP form can be found at the end of this packet or on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Self-Representation."

## Application for Court-Appointed Counsel

If you cannot afford an attorney but would like to request one be appointed, you can submit an **"Application for Court-Appointed Counsel."** Although this option is available, there is no right to representation in civil matters and no guarantee that the judge will appoint an attorney in your case.

The judge may base his or her decision on several factors, including but not limited to:

- 1. Do you have the financial ability to hire counsel?
- 2. Have you made reasonable efforts to hire counsel on your own?
- 3. Can you prepare and present your case without the help of an attorney?
- 4. How complex is your case?

To request an attorney, you must complete the correct form based on the type of case you are filing. One form is specifically for civil rights cases and the other for employment discrimination cases. Both forms can be found at the end of this guide and on our website at <a href="http://www.wawd.uscourts.gov/court-forms">www.wawd.uscourts.gov/court-forms</a> under "Self-Representation." If your claims do not fall under either category, you can create your own form and submit it to the court.

## Where to file your complaint

#### 1) In Person

Due to the COVID pandemic, the Seattle and Tacoma Clerk's Office are currently closed to the public and will reopen with limited hours as the court moves into each new phase.

In the meantime, new case documents may be filed via the drop box located in the lobby of both courthouses. Once your case has been opened, you will receive a letter with the case number and judge assignment. Documents filed in person after your case has been assigned may then be placed in the drop box at the courthouse where your judge is located.

## 2) By Mail

Documents may also be mailed to the Seattle or Tacoma courthouse. Where you mail them is based on the county where the incident took place or where the defendant(s) reside (see page 6). After your case has been opened, you will receive a letter with the case number and judge assignment. All documents filed after the case has been assigned should be mailed to the courthouse where your judge is located.

## Seattle

U.S. District Court 700 Stewart St., Suite 2310 Seattle, WA 98101 (206) 370-8400 Tacoma

U.S. District Court 1717 Pacific Ave., Room 3100 Tacoma, WA 98402 (253) 882-3800

## 3) E-mail

You also have the option of submitting new case documents electronically. Where you email them is based on the county where the incident took place or where the defendant(s) reside (see page 6).

Seattle: <u>newcases.seattle@wawd.uscourts.gov</u>

Tacoma: <u>newcases.tacoma@wawd.uscourts.gov</u>

You are **only** permitted to e-mail documents when filing a new case. Once a judge has been assigned, documents must be submitted in person, through the mail or via the court's electronic filing system, if registered (see page 18).

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

If you **<u>pay</u>** the filing fee, the clerk will:

- 1) Randomly assign a case number and judge, based on the county where the incident took place or where the defendant(s) reside.
- 2) Social Security appeals are randomly assigned to judges in Seattle or Tacoma, regardless of where you reside.
- 3) Issue summons, if submitted.

If you <u>file an IFP</u> requesting that the court waive the filing fee, the clerk will:

- 1) Randomly assign a case number and judge, based on the county where the incident took place or where the defendant(s) reside.
- 2) Social Security appeals are randomly assigned to judges in Seattle or Tacoma, regardless of their location.
- 3) Summons will not be issued until an order is entered by the court and the clerk is given permission to issue them.

## **Options for Payment of Copy and Filing Fees**

The Clerk's Office accepts the following forms of payment:

- Visa, MasterCard, American Express and Discover
- Personal checks, cashier checks and money orders



## What the Clerk's Office can and cannot do

Although the clerk can answer most questions, we are legally prohibited from providing legal advice.

#### We can:

- Answer general questions about how the court works, including providing you with the required forms to open a new case.
- Provide general information about court policies and procedures.

#### We cannot:

- Give legal advice. This policy applies to all parties, including attorneys.
- Tell you whether you should file a case or what information to include in your court pleadings.
- Talk to the judge for you or let you talk to the judge outside of court.
- Determine when a decision will be made on your IFP or other pending motions as well as interpreting court orders.
- Interpret court rules.

## Part Three

## **ELECTRONIC FILING SYSTEM**

hen filing a new case, you must either pay the \$402.00 filing fee or submit a Motion to Proceed In Forma Pauperis – referred to as an "**IFP**" – asking that the court waive the filing fee.

Once the filing fee has been paid or the court has granted your IFP, you have the option of filing documents electronically using the Case Management/Electronic Case Filing System, referred to as "**CM/ECF**." This system allows you to file documents electronically without delivering them in person or through the mail. It also allows you to receive and view via email everything that has been filed in your case by you, the judge, the defendants or any other parties in your case.

Information about how to electronically file documents, the rules and procedures that must be followed and the ECF User Manual can be found on our website at <u>www.wawd.uscourts.gov/representing-yourself-pro-se</u>. You will also find a CM/ECF Pro Se Registration Form at the end of this guide. It is important that you review the registration form carefully as it is your responsibility to comply with the court's electronic filing procedures.

For questions, please contact the ECF Support Team at (206) 370-8440, option#2 or via email at <u>cmecf@wawd.uscourts.gov</u>.

## **Registration Requirements**

You are not required to use the court's electronic filing system. If you are not computer savvy or do not have access to a computer, we recommend that you file your documents in person or through the mail.

The following requirements must be met to register for electronic filing:

- The filing fee has been paid or the Motion to Proceed In Forma Pauperis (IFP) has been granted.
- You are a party to the case for which you are applying for electronic filing.
- You meet the following technical requirements:
  - 1. A personal computer with Internet access.
  - 2. Internet Explorer or Firefox browser. Other browsers (Safari, Google Chrome; Microsoft Edge) may have functionality issues with the court's ECF system and are not supported.
  - 3. 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.
  - 4. Adobe Acrobat Reader software to view and save documents in PDF format.
  - 5. Experience and knowledge of word processing applications, printers and the Internet.
  - 6. An email account to receive notices of filings and court orders.

## How to Register

The court offers two CM/ECF registration options:

#### 1. E-Filer and E-Service

With this service, you can electronically file documents through the court's CM/ECF system as well as receive service of court documents via email.

#### 2. E-Service Only

With this service, you will receive court documents electronically via email, but you <u>must file all documents in person or through the mail.</u>

## **E-Filer and E-Service Registration**

To successfully register to electronically file documents in this court, you must complete the following steps:

- 1. Complete and submit the registration form, indicating which e-filing service you are applying for.
- 2. Register for a **PACER-Case Search Only** account through <u>pacer.gov</u>.
- 3. Register for Non-Attorney Filers access through pacer.gov.

## **Complete the Registration Form**

A separate ECF Pro Se Registration Form must be submitted for every case that you file in this court. You are also required to have a case number before your account can be activated. The following instructions are designed to help you successfully register to e-file in this court.

- 1. Complete all fields on the Pro Se Registration Form, including your name, phone number, case number, email address and mailing address.
  - a) To receive service of documents and notice of electronic filings to your email address, chose the <u>FIRST</u> option. This option does not allow you to file documents electronically. Instead, you must file a paper copy either in person or through the mail.

Please register me to <u>receive service</u> of documents and notice of electronic filings to my email\* via the Court's electronic filing system (CM/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 <u>file documents</u> electronically\*\* and <u>receive service</u> of documents and notice of electronic filings to my email\* via the Court's electronic filing system (CM/ECF). By signing the agreement to file your documents electronically through CM/ECF, you waive your ability to file your documents in paper form over the counter or through the mail.

b) To file documents electronically, receive service of documents and be notified via email when a document has been filed, check the <u>SECOND</u> option. With this option, you waive your right to file and receive documents in your case in person or by other means. You will receive all documents electronically from the court and other parties. A paper copy will not be mailed to you.

#### Check One:

Please register me to <u>receive service</u> of documents and notice of electronic filings to my email\* via the Court's electronic filing system (CM/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 <u>file documents</u> electronically\*\* and <u>receive service</u> of documents and notice of electronic filings to my email\* via the Court's electronic filing system (CM/ECF). By signing the agreement to file your documents electronically through CM/ECF, you waive your ability to file your documents in paper form over the counter or through the mail.

- 2. Read the registration form carefully before signing and dating the document.
- 3. Once you have completed the form, you can return it via email or through the mail. The court's email address and mailing address can be found at the bottom of the registration form.

## PACER (Public Access to Court Electronic Records)

Public Access to Court Electronic Records (PACER) is an electronic public service database that allows users to obtain case and docket information from the United States Federal Appellate Courts, United States District Courts and United States Bankruptcy Courts.

Electronic access is available by registering with the PACER Service Center, the judiciary's centralized registration, billing, and technical support center. Additional information can be found on their website at <u>www.pacer.gov</u> or by calling (800) 676-6856.

#### **Electronic Filing Assistance**

If you have questions about electronic filing, the CM/ECF support desk can be contacted by phone or email.

(206) 370-8440 <u>cmecf@wawd.uscourts.gov</u> Monday – Friday, 8am to 5pm

## **Electronic Filing Terminology**

Available Events. A list containing the types of document(s) you are filing.

CM/ECF. Case Management/Electronic Case Filing.

Docket text. The official court record of your filing.

**ECF Menu.** The menu is the blue bar located at the top of the page. You will choose "Civil" to begin filing your documents

**Login Screen**. The screen where you will enter your ECF login and password. The redaction agreement box to the right of the login must be checked to begin filing your documents. NOTE: The "Client Code" field is not mandatory.

**Main Document and Attachments**. To search for a PDF document on your computer, click on the "Browse" button. A main document example would be a motion. An attachment example would be a proposed order or exhibit.

**Notice of Electronic Filing (NEF).** A receipt indicating your document has been transmitted to the court. This will be sent to the e-mail address provided to the court when you registered for CM/ECF. You must save or print the notice. The notice will include a copy of the filed document with a hyperlink (in blue) which will allow you to view, print or save the document. Your availability to view the document will expire fourteen days from the date of receipt.

You may view a document once without being charged by clicking on the document number in the email you receive. This is known as the "free look." Make sure you click on the document **once** (not twice) or you may be charged a viewing fee by PACER, which is currently .10 cents per page.

**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 document, so it can be opened across a broad range of hardware and software systems, with layout, format, links and images intact. Only documents in PDF format may be filed with the court using the ECF system.

# Part Four

## SERVICE OF SUMMONS AND COMPLAINT

#### What does service mean?

ou are required to let the defendant(s) know that you have filed a case against them. Once the filing fee has been paid or your IFP has been granted, you can request that the clerk issue summons to each defendant listed on your complaint. The original summons form will then be returned to you for execution of service on the defendant(s). The court cannot serve the defendant(s) on your behalf, except if ordered by the court.

It is your responsibility to ensure that each defendant receives a copy of the certified summons form, a copy of your complaint and any other documents that were filed. This process is called "**service**" or "**serving the defendant**."

The rules for serving the complaint are different from the rules for serving other documents. If the complaint is not properly served on the defendants, your case could be subject to dismissal. The requirements for serving the complaint are established by <u>FRCP 4</u>.

#### When must service be done?

The defendant(s) must be served within 90 days after the complaint is filed, as established by <u>FRCP 4(m)</u>. Since there are different rules for serving individuals living in foreign countries, the United States, federal employees, federal agencies, minors or incompetent persons, corporations and foreign, state or local governments, please review <u>FRCP 4</u> carefully to ensure defendant(s) are properly served.

## How should summons be presented?

Once the filing fee has been paid or the court grants your IFP, you may present summons to the clerk for signature and seal, as established by <u>FRCP 4(b)</u>. Summons must be presented on the court's form and can be found at the end of this guide or on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Civil."

#### Who must be served?

All defendant(s) named in your complaint must be served. Defendants who are not served within the required time limit may be dismissed from your case. The clerk can only issue summons for parties named as defendant(s) on the complaint.

#### Who serves the documents?

You are responsible for arranging to have the summons, complaint, and supporting documents served to the defendant(s) within the timeframe established by <u>FRCP 4(m)</u>. Any person over the age of 18 and not a party to the case may serve the required documents.

In some cases, the judge may order that service be made by a United States Marshal or someone appointed by the court, as established by FRCP 4(c)(3).

#### How does the Court know when summons have been served?

Once the defendant(s) have been served, the original proof of service must be filed with the court, as established by <u>FRCP 4(I)</u>.

## Part Five

## WHAT HAPPENS AFTER YOUR CASE IS FILED?

very case is unique and may or may not follow the steps outlined below. This information is intended as a general guideline and not as the schedule for your case. You will receive written communication from the court regarding upcoming hearings or deadlines.

## Case assignment

After your documents have been submitted, the clerk will randomly assign a case number and judge, based on where the incident took place or where the defendant(s) reside. You cannot request that a specific judge be assigned to your case. Once you have been assigned a case number and judge, the case number must be on every document you file with the court.

If your case has been assigned to a district court judge, he or she may refer your case to a magistrate judge to handle different stages of your case leading up to trial. A magistrate judge may preside over a civil action or proceeding, including a jury or bench trial, pursuant to <u>FRCP 73(a)</u>.

If you have questions after your case has been assigned, you may contact the Clerk's Office at the Seattle or Tacoma office (based on case assignment) and ask to speak with a case administrator.

Seattle Clerk's Office:	206-370-8400
Tacoma Clerk's Office:	253-882-3800

#### Defendants do not file an answer

If a defendant does not file an answer within the timeframe required by law, the court may enter an order of default and default judgment, as established by <u>FRCP</u> 55(a)(b).

#### 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 process

The judge assigned to your case may schedule a "**pretrial conference**" after discovery has been completed. A pretrial conference is a meeting between the judge and the parties to narrow down the issues and resolve matters necessary to the disposition of the case, as established by <u>LCR 16(a)(1)</u>.

#### Discovery

To prepare a case for trial, the parties will conduct what is called "**discovery**." The purpose of discovery is to prepare the parties for trial by requiring each party to assemble their evidence and be prepared to call witnesses to testify in court. 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.

Discovery is the pretrial process by which one party acquires potential evidence from the opposing party via written interrogatories, depositions, and demands to produce documents. Discovery documents are rarely, if ever, filed with the court.

The following are a few examples of common discovery documents.

#### Deposition

A "**deposition**" is like an interview where you, the defendant(s) or other witnesses answer questions in person and under oath. A deposition is usually recorded by audio recording, video recording, or by a court reporter, as established by <u>FRCP 30</u>.

You are solely responsible for the payment of fees associated with the services of a court reporter.

## Interrogatories

"Interrogatories" are written questions that must be answered in writing and under oath, as established by <u>FRCP 33</u>.

## Requests for Production

These are written requests for documents and tangible items, like a defective product. The term "**document**" can include all forms of items such as drawings, graphs, charts, photographs, etc., as established by <u>FRCP 34</u>.

## Requests for admission

These are written requests asking that you or the defendant(s) admit that certain facts are true or that certain documents are genuine, as established by <u>FRCP 36</u>.

## **Dispositive motions**

During the course of the case, any party may file a "**dispositive motion**," as established by <u>FRCP 12</u> and <u>FRCP 56</u>. Dispositive motions are requests asking that the court dismiss one or more of the claims in favor of the moving party or dismiss the case in its entirety.

## **Trial process**

## A. Basic courtroom rules

- Gum chewing, eating, drinking, sleeping, or loud talking are not permitted in the courtroom.
- When the judge enters or departs the courtroom, you must stand up.
- Call the judge "Your Honor" and speak loudly and clearly.
- Cameras or other recording devices are not allowed in the courtroom. Cell phones must be completely turned off.

## B. Bench trial versus jury trial

The United States court system has two types of trials, bench trials and jury trials.

## Bench trial

A bench trial takes place in front of a judge. The judge – after listening to the evidence and legal arguments – will enter a final decision at the end of the case (called a "finding").

## Jury trial

A jury trial takes place before a group of citizens who have been sworn to consider the evidence presented at trial and decide whether the case has merit and, if so, what damages should be awarded.

#### C. Opening statement

An "**opening statement**" is an opportunity for you to explain the issues in dispute and summarize what you believe will be proven during trial through witness testimony and evidence admitted by the court. The defendant(s) are not required to make an opening statement but may do so at the beginning of the trial or reserve it until after you have finished presenting your case.

#### D. Evidence presentation

Following opening statements, you – as the plaintiff – will begin presenting evidence to the judge or jury. Evidence can be presented through witness testimony and physical evidence. Strict rules govern the kinds of evidence that may be admitted and is governed by the Federal Rules of Civil Procedure (<u>FRCP</u>) and this court's Local Civil Rules (<u>LCR</u>).

#### E. <u>Resting your case</u>

When you have finished presenting all the evidence that you intend to offer at trial, you will indicate to the judge that you have "**rested**" your case.

## F. Defense and rebuttal

After you have rested your case, the defendant(s) will have an opportunity to call witnesses and offer evidence to the judge or jury. You may then offer evidence in rebuttal to explain or deny the defendant's evidence.

#### G. Closing argument

After each side has rested, the next step is the presentation of "**closing argument**". Closing argument is an opportunity for each party to summarize the evidence presented during the trial before the judge or jury enters a final decision.

#### H. Jury instructions (if applicable)

At the end of the presentation of evidence and after closing arguments, the judge will read the jury a set of legal standards, called "jury instructions." These instructions are given to assist the jury in deciding whether the defendant should be held accountable for the plaintiffs' alleged harm.

## I. <u>Verdict</u>

## If the case was tried before a jury

Once a decision has been reached by the jury, the verdict will be announced in open court with all parties present.

## If the case was tried before the court (bench trial)

The judge may enter a finding immediately or – which is more common – inform the parties that additional time is needed to consider the evidence presented at trial. Once a decision has been made, the court will enter a written finding and notify the parties.

## Judgment

**If you prevail at trial or win the case by default**, the judge will direct the clerk to prepare a judgment indicating the amount of damages you have been awarded. The judgment will include the exact amount – in dollars and cents – and which defendant owes you how much money. The clerk will then prepare and sign a judgment pursuant to the court's order.

**If you lose at trial or by summary judgment**, the judge will direct the clerk to prepare a judgment stating that the defendant does not owe you damages. The defendant may also request the judge order you to pay costs and attorney fees associated with defending the case. The clerk will then prepare and sign a judgment pursuant to the court's order.

## Notice of Appeal

If you are not satisfied with the outcome of the trial, you may file an "**Appeal**," which is an application to a higher court to reverse the decision made by a judge or jury in a lower court.

Appeals from this court are decided by the United States Court of Appeals for the Ninth Circuit, commonly referred to as the "Ninth Circuit." Time limits associated with filing an appeal can be found in the Federal Rules of Appellate Procedure, <u>Rule 4</u>.

The fee to file an appeal is \$505.00 unless the judge granted your IFP in this court. However, it is ultimately the decision of the Ninth Circuit whether you will need to pay the filing fee in their court. If you paid the filing fee for your case in this court but you cannot afford to pay the appeal fee, you may file an IFP with your appeal.

To file an appeal, you must submit a "**Notice of Civil Appeal**" which can be found on our website at <u>www.wawd.uscourts.gov/court-forms</u> under "Civil."

Information about the Ninth Circuit Court of Appeals can be found on their website at <u>www.ca9.uscourts.gov</u> or by phone at (415) 355-8000.

# Part Six

## FILING DOCUMENTS AFTER YOUR CASE IS OPEN

Once your case has been filed, you will need to familiarize yourself with the rules regarding how documents are to be submitted to this court. The judge assigned to your case may have specific requirements for how they want documents to be presented. The web page for each judge – along with links to the Local Civil Rules (LCR) and Federal Rules of Civil Procedure (FRCP) – can be found on our website at www.wawd.uscourts.gov/representing-yourself-pro-se.

Once your case has been opened, documents must be filed in paper form or electronically, if registered. In addition, you must serve the defendant(s) with a copy of all documents you file, as established by <u>FRCP 5 and LCR 5</u>.

The clerk can assist you to a certain extent, but as stated throughout this manual, we are not allowed to provide legal advice. If you have questions about whether you should do something in your case, we suggest you consult with an attorney.

## Format of documents

Documents must be submitted on  $8\frac{1}{2}$ " x 11" white paper, bear 25-line numbers in the left margin, include the case caption, case number and typed or neatly written. If you submit pleadings in writing, use black or blue ink (no pencils) and write legibly on <u>one</u> side of the paper only. All documents must be signed and dated with an original signature and include your name, address and phone number.

## Motions

To request that the court review and make a decision on a particular issue in your case, you can file a "**Motion**."

Motions must be filed in paper or electronically – if registered – and served on all parties. For most motions, the opposing party can file a response and the party who filed the motion can then file a reply.

All motions must include a "**Noting Date**". This is the date the motion will be ready for the judge's review. The noting date must appear on the face of the motion directly under the document title, as established by <u>LCR 7</u>.

#### Noting dates

#### A. Same day motions

The following motions may be noted for the **<u>same day</u>** they are filed. A response or reply is not permitted unless ordered by the court.

- Stipulations and agreed motions, as established by <u>LCR 10(g)</u>.
- Motions to file over-length motions or briefs, as established by <u>LCR</u> <u>7(f)</u>.
- Motions for reconsideration, as established by <u>LCR 7(h)</u>.
- Joint submissions pursuant to the optional procedure, as established by <u>LCR 37(a)(2)</u>.
- Motions to appoint a mediator, as established by <u>LCR 39.1(c)(3)</u>.
- Motions for default, as established by <u>LCR 55(a)</u>.
- Requests or motions to enter default judgment when the opposing party has not appeared, as established by <u>LCR 55(b)(1)</u>.
- Ex parte motions, as established by LCR 55(b)(2).
- Motions for a temporary restraining order (TRO), as established by <u>LCR 65</u>.

#### **B.** Second Friday motions

The following types of motions cannot be noted earlier than the second Friday after they are filed. Unless otherwise ordered by the judge, 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, as established by <u>LCR 7(d)</u>.
- Motions for protective orders, as established by <u>LCR 7(d)</u>.
- Motions to seal, as established by <u>CR 5(g)</u>.

## C. Third Friday motions

Non-dispositive motions, except those specifically listed in other parts of <u>LCR</u> <u>7(d)</u>, cannot be noted any earlier than the <u>third Friday</u> after they are filed. The response is due by the Monday before the noting date and the reply is due by the noting date, unless otherwise ordered by the judge.

Examples of non-dispositive motions include, but are not limited to, 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. The response is due by the Monday before the noting date and the reply is due by the noting date, unless otherwise ordered by the judge.

- Motions to dismiss, as established by <u>LCR 7(d)(3)</u>.
- Motions for preliminary injunction, as established by <u>LCR 7(d)(3)</u>.
- Motions for class certification, as established by <u>LCR 7(d)(3)</u>.
- Motions changing the forum through remand, transfer or to compel arbitration, as established by <u>LCR 7(d)(3)</u>.

## E. Motions in limine

"Motions in limine" are motions filed by a party asking the judge for an order or ruling limiting or preventing certain evidence from being presented by the other side at the trial, as established by <u>LCR 7(d)(4)</u>.

Motions in limine cannot be noted any earlier than the <u>third Friday</u> after filing but no later than the Friday before the pretrial conference, unless otherwise ordered by the judge.

After a party files a motion in limine, the response is due by the Monday before the noting date. A reply is not permitted unless ordered by the judge.

## Sealed documents

If you are filing a document that you want sealed from public view, you must first seek permission from the judge. 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.

Sealed documents **cannot** be electronically filed and must be submitted in person or through the mail, as established by LCR 5(g)(9).

The rule regarding the presentation of sealed documents are established by <u>LCR</u> 5(g)(3). The document(s) must be presented in a sealed envelope with the caption, case number and phrase, "**FILED UNDER SEAL**" on the front of the envelope. The envelope must be delivered *in person* to the Clerk's Office.

If the judge <u>grants</u> your motion to seal or permits a document to remain under seal, the document will remain sealed until further order of the court, as established by <u>LCR 5(g)(7)</u>.

If the judge <u>denies</u> your motion to seal, the clerk will unseal the document. In addition, the party who is relying on the sealed document may also request that the court withdraw the document from the record rather than unseal it, as established by <u>LCR 5(g)(6)</u>.

Once a document is filed under seal, **no one**, **including the party who filed the** <u>document(s)</u>, can access, retrieve, review, or print the document unless a motion to unseal is granted by the judge, as established by <u>LCR 5(g)(8)</u>.

## Oral argument

To request oral argument on a motion, **"Oral Argument Requested"** must be written under the case number and document title. If the request for oral argument is granted, the parties will be contacted as to the date and time of argument, as established by <u>LCR 7</u>.

## Change of Contact Information

If your address, phone number or email address (if registered for electronic filing) changes, you must file a written notice within ten days of the change, as established by <u>LCR 10(f</u>). All subsequent pleadings, motions or other filings must reflect the new contact information.

## Part Seven

## **RESOURCES THAT MAY HELP YOU**

f you cannot afford to hire an attorney, there are several agencies offer legal services. The following list is provided as a courtesy and by no means encompasses all legal resources available in the State of Washington.

## Washington State Legal Resources

Clark County Volunteer Lawyers Program (360) 695-5313 www.ccvlp.org

Clallam – Jefferson County Pro Bono Lawyers (888) 201-1014 www.cjcpbl.org

Columbia Legal Services (800) 542-0794 www.columbialegal.org

Cowlitz – Wahkiakum Legal Aid (360) 425-2579 www.cwlap.org

Eastside Legal Assistance Program (425) 747-7274 www.elap.org King County Neighborhood Legal Clinics (206) 267-7070 www.kcba.org/For-the-Public/Free-Legal-Assistance

Island County Volunteer Lawyer Program (888) 201-1014 www.islandcountylegal.org

Kitsap County Legal Services (360) 479-6125 www.kitsaplegalservices.org

Lewis County Legal Aid (360) 748-0430

Northwest Immigrant Rights Project (206) 587-4009 www.nwirp.org

Northwest Justice Project (888) 201-1014 www.nwjustice.org

Snohomish County Legal Services (425) 258-9283 www.snocolegal.org

Tacoma Pro Bono Community Lawyers (253) 572-5134 www.tacomaprobono.org

Tacoma-Pierce County Lawyer Referral Service (253) 383-3432 www.tpcba.com/public/lawyer-referral-service

Thurston County Volunteer Legal Services (360) 705-8194 www.tcvls.org

Washington State Bar Association (206) 443-9722 • (800) 945-9722 www.wsba.org/resources-and-services/find-legal-help

Whatcom County LAW Advocates (360) 671-6079 Ext 15 www.lawadvocates.org

## Federal Civil Rights Legal Clinic

The Federal Bar Association for the Western District of Washington offers two legal clinics in Seattle and Tacoma wherein volunteer attorneys provide pro se litigants with free legal advice regarding federal civil rights issues, including discrimination, unlawful search and seizure, excessive force, free speech, voting rights, Second Amendment rights, prisoner rights and religious freedom. Volunteer attorneys cannot provide legal representation but can refer you to other community resources.

Due to the COVID pandemic, all clinic sessions will be conducted over the phone for the foreseeable future and are by appointment only.

#### Seattle Appointments

To make an appointment, fill out a client intake form at <u>www.kcba.org/nlc</u> or call (206) 267-7070 and press "1" to leave a message. You will receive a call within 7 business days of receipt of the form to complete the screening process.

Appointments are scheduled four Thursdays per month from 12:00pm – 2:00pm.

#### **Tacoma Appointments**

To make an appointment, call (253) 368-6690. Phone lines are open Monday through Thursday from 10:00am – 3:00pm.

Appointments are scheduled the first Thursday of every month from 12:00pm – 2:00pm.

The Clerk's Office is not associated with the legal clinic and cannot assist with making appointments or answering questions about their services. Flyers for both locations can be found at the end of this packet or on our website at <a href="http://www.wawd.uscourts.gov/representing-yourself-pro-se">www.wawd.uscourts.gov/representing-yourself-pro-se</a>

# **UNITED STATES DISTRICT COURT**

Western District of Washington

	Case Number:		
Plaintiff vs.	DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS AND WRITTEN CONSENT FOR PAYMENT OF COSTS		
Defendant(s)			
DECLARATION AND APPLIC	CATION TO PROCEED IN FORMA PAUPERIS		
	declare I am the plaintiff in this case; I believe I am costs of this proceeding or give security therefor. The nature of		
In support of this application, I answer <i>all</i> of t	he following questions:		
1. Are you presently employed?			
Yes Total amount of net monthly salary Name and address of employer	(take home pay) \$		
	Total amount of last net monthly salary \$		
2. If married, is your spouse presently employ	yed? 🔲 Not married		
Yes Total amount of spouse's net mont	hly salary (take home pay) \$		
Name and address of employer			
	Total amount of last net monthly salary \$		
3. For the past twelve months, list the amour the following sources.	nt of money you and/or your spouse have received from any of		
a. Business, profession or other self-employn	nent \$		
b. Income from rent, interest or dividends	\$		
c. Pensions, annuities or life insurance payme			
d. Disability, unemployment, workers compe			
e. Gifts or inheritances \$\$			
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	Ļ	

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	ć	
🗌 No	Ş	

\$

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.

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

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

Executed on: (Date) Signature of Plaintiff (Required)

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

l, (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 (Required)

## **CIVIL COVER SHEET**

	. This form, approved by t	he Judicial Conference of	supplement the filing and servic the United States in September THIS FORM.)		
I. (a) PLAINTIFFS	· · · ·		DEFENDANTS	5	
	of First Listed Plaintiff CCEPT IN U.S. PLAINTIFF CA Address, and Telephone Numbe		NOTE: IN LAND C	e of First Listed Defendant (IN U.S. PLAINTIFF CASES O. ONDEMNATION CASES, USE TH I OF LAND INVOLVED.	
II. BASIS OF JURISD	ICTION (Place an "X" in	One Box Only)	II. CITIZENSHIP OF P	RINCIPAL PARTIES	Place an "X" in One Box for Plaintiff
1 U.S. Government Plaintiff	3 Federal Question (U.S. Government)		(For Diversity Cases Only)		and One Box for Defendant) PTF DEF incipal Place 4
2 U.S. Government Defendant	4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citizen of Another State	2 2 Incorporated and P of Business In A	
			Citizen or Subject of a Foreign Country	3 3 Foreign Nation	6 6
IV. NATURE OF SUIT			EODEEITUDE/DENALTV	Click here for: <u>Nature of S</u>	
CONTRACT         110 Insurance         120 Marine         130 Miller Act         140 Negotiable Instrument         150 Recovery of Overpayment & Enforcement of Judgment         151 Medicare Act         152 Recovery of Defaulted Student Loans (Excludes Veterans)         153 Recovery of Overpayment of Veteran's Benefits         160 Stockholders' Suits         190 Other Contract         195 Contract Product Liability         196 Franchise         REAL PROPERTY         210 Land Condemnation         220 Foreclosure         230 Rent Lease & Ejectment         245 Tort Product Liability         290 All Other Real Property	PERSONAL INJURY         310 Airplane         315 Airplane Product         Liability         320 Assault, Libel &         Slander         330 Federal Employers'         Liability         340 Marine         345 Marine Product         Liability         350 Motor Vehicle         355 Motor Vehicle         355 Motor Vehicle         360 Other Personal         Injury         362 Personal Injury -         Medical Malpractice         CIVIL RIGHTS         440 Other Civil Rights         441 Voting         442 Employment         443 Housing/         Accommodations         445 Amer. w/Disabilities -         Employment         448 Education	<b>PERSONAL INJURY</b> 365 Personal Injury -         Product Liability         367 Health Care/         Pharmaceutical         Personal Injury         Product Liability         368 Asbestos Personal         Injury Product Liability         368 Asbestos Personal         Injury Product Liability         370 Other Fraud         371 Truth in Lending         380 Other Personal         Property Damage         Product Liability         Property Damage         385 Property Damage         Product Liability         PRISONER PETITIONS         Habeas Corpus:         463 Alien Detainee         510 Motions to Vacate         Sato General         535 Death Penalty         Other:         540 Mandamus & Other         550 Civil Rights         555 Prison Condition         560 Civil Detaince -         Conditions of         Conditions of	710 Fair Labor Standards         Act         720 Labor/Management         Relations         740 Railway Labor Act         751 Family and Medical         Leave Act         790 Other Labor Litigation         791 Employee Retirement         Income Security Act         IMMIGRATION         462 Naturalization Application	BANKRUPTCY         422 Appeal 28 USC 158         423 Withdrawal         28 USC 157         PROPERTY RIGHTS         820 Copyrights         830 Patent         835 Patent - Abbreviated         New Drug Application         840 Trademark         880 Defend Trade Secrets         Act of 2016         SOCIAL SECURITY         861 HIA (1395ff)         862 Black Lung (923)         863 DIWC/DIWW (405(g))         864 SSID Title XVI         865 RSI (405(g))         FEDERAL TAX SUITS         870 Taxes (U.S. Plaintiff or Defendant)         871 IRS—Third Party         26 USC 7609	OTHER STATUTES         375 False Claims Act         376 Qui Tam (31 USC         3729(a))         400 State Reapportionment         410 Antitrust         430 Banks and Banking         450 Commerce         460 Deportation         470 Racketeer Influenced and Corrupt Organizations         480 Consumer Credit (15 USC 1681 or 1692)         485 Telephone Consumer Protection Act         490 Cable/Sat TV         850 Securities/Commodities/ Exchange         890 Other Statutory Actions         891 Agricultural Acts         895 Freedom of Information Act         899 Administrative Procedure Act/Review or Appeal of Agency Decision         950 Constitutionality of State Statutes
	noved from 3 te Court 3 Cite the U.S. Civil Sta	Appellate Court		<i>,</i>	
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER RULE 2	IS A <b>CLASS ACTION</b> 3, F.R.Cv.P.	DEMAND \$	CHECK YES only JURY DEMAND:	if demanded in complaint:
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE		DOCKET NUMBER	
DATE		SIGNATURE OF ATTC	DRNEY OF RECORD		
FOR OFFICE USE ONLY					
	MOUNT	APPLYING IFP	JUDGE	MAG. JUE	DGE

#### **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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: <u>Nature of Suit Code Descriptions</u>.
- V. Origin. Place an "X" in one of the seven 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. 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- 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

for the

Western District of Washington

	) ) )
Plaintiff(s)	) )
V.	)
	)
	)
	)
Defendant(s)	) )

#### SUMMONS IN A CIVIL ACTION

Civil Action No.

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.

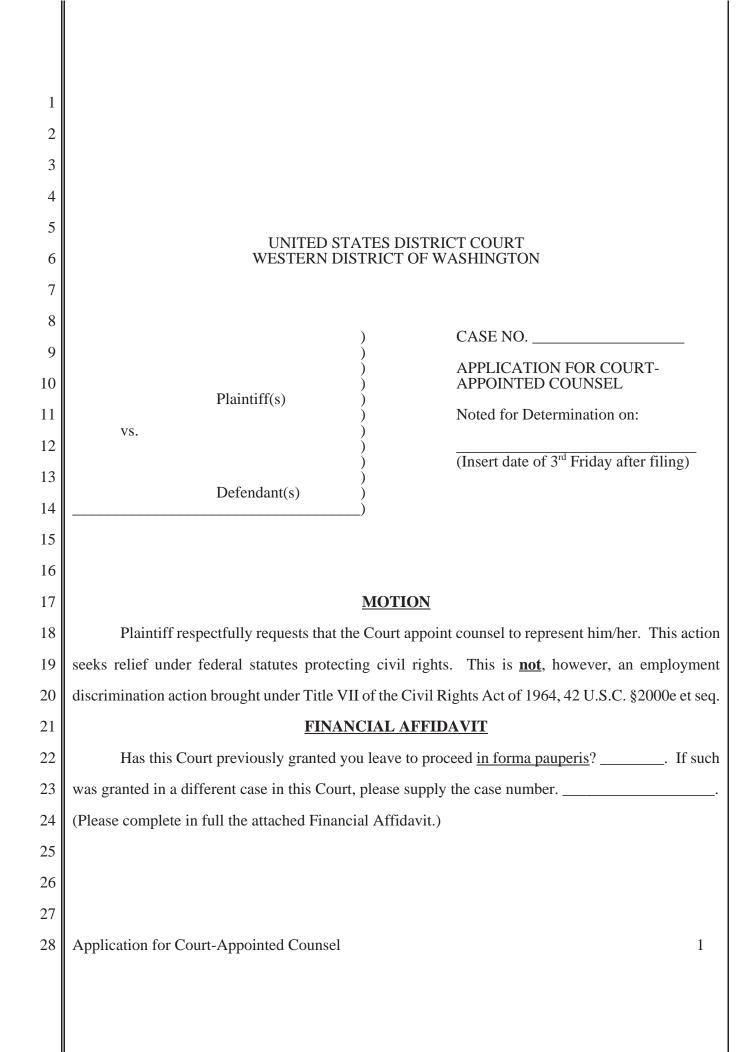
#### **PROOF OF SERVICE**

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

	This summons for (nam	ne of individual and title, if any)	1	
was re	ceived by me on (date)			
	□ I personally served	the summons on the indiv	idual at (place)	
			on(date)	; or
	□ I left the summons		ce or usual place of abode with ( <i>name</i> )	ides there
			ppy to the individual's last known address; or	ides mere,
		ons on (name of individual)		, who is
	designated by law to a	accept service of process of	on behalf of (name of organization)	
	<b>I</b> I returned the summ	nons unexecuted because	on (date)	·or
	Other ( <i>specify</i> ):			, , ,
	My fees are \$	for travel and \$	for services, for a total of \$	0.00 .
	I declare under penalty	y of perjury that this inform	nation is true.	
Date:				
			Server's signature	
			Printed name and title	

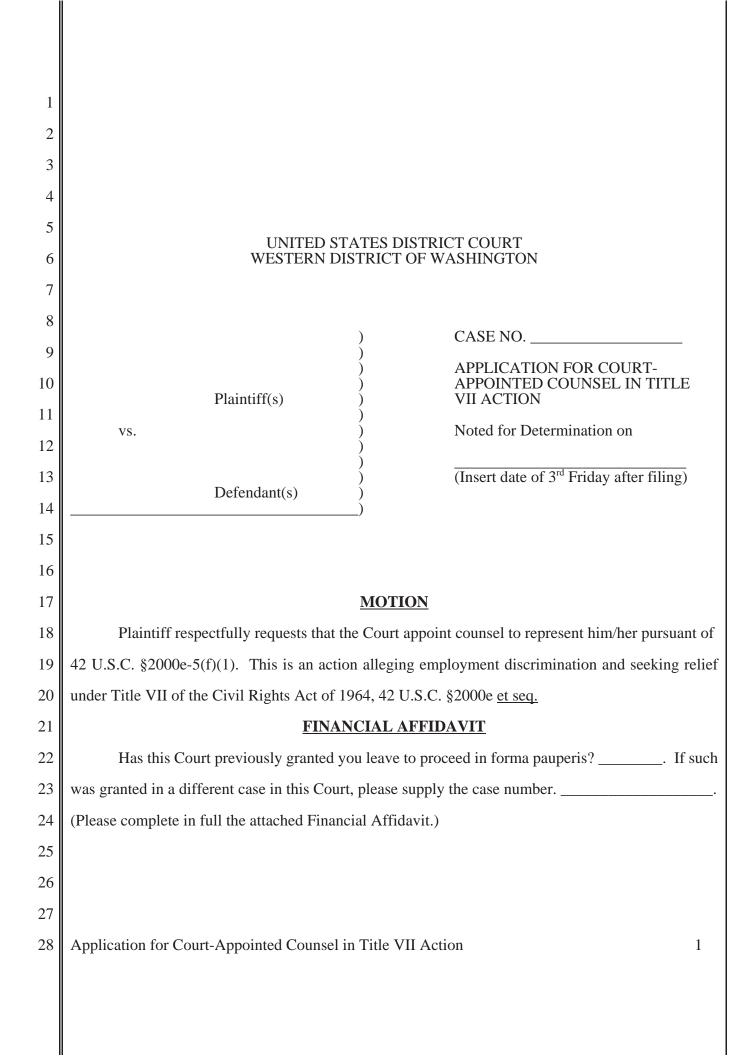
Server's address

Additional information regarding attempted service, etc:



1	PREVIOUS EFFORTS TO RETAIN AN ATTORNEY
2	Describe briefly the efforts you have already made to retain an attorney. Indicate as accurately
2	as possible how many attorneys you have contacted, and over what period of time. You need not
4	identify the specific attorneys, and should not indicate the reasons they declined to represent you.
5	
6	
7	
8	
9	
10	MERITS OF CLAIM
11	Has the Equal Employment Opportunity Commission, the Washington State Human Rights
12	Commission, or other state or federal agency officially determined whether there is reasonable cause
13	to believe that the allegations of your complaint are true? If so, please identify the
14	agency which made the finding, and the conclusion the agency reached.
15	
16	·
17	If there has been no such finding in your favor by a government agency, you may attach a brief
18	statement showing why your claim has merit. Do not include exhibits or other evidence. Your
19	statement is incorporated in this application and is subscribed under oath.
20	AFFIDAVIT OF SERVICE
21	The following is a list of all other parties, and their respective attorneys, who have appeared or
22	answered in this action.
23	PARTY <u>ATTORNEY</u>
24	
25	
26	·
27	
28	Application for Court-Appointed Counsel 2

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,
8	
9	
10	
11	Signature of Plaintiff
12	
13	
14	
15	Plaintiff's Name, Address and Telephone:
16	
17	
18	
19	
20	
21	
22	
23	
24	
25 26	
20 27	Application for Court-Appointed Counsel 3
28	Revised 11/03
20	



1	PREVIOUS EFFORTS TO RETAIN AN ATTORNEY
2	Describe briefly the efforts you have already made to retain an attorney. Indicate as accurately
2	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.
4	
5	
6	
7	
8	
9 10	MERITS OF CLAIM
10	Has the Equal Employment Opportunity Commission, the Washington State Human Rights
11	Commission, or other state or federal agency officially determined whether there is reasonable cause
12	to believe that the allegations of your complaint are true? If so, please identify the
13	agency which made the finding, and the conclusion the agency reached.
14 15	
15 16	
10	If there has been no such finding in your favor by a government agency, you may attach a brief
18	statement showing why your claim has merit. Do not include exhibits or other evidence. Your
19	statement is incorporated in this application and is subscribed under oath.
20	
21	AUTHORIZATION FOR RELEASE OF INFORMATION TO
22	MEMBERS OF THE CIVIL RIGHTS CASE SCREENING COMMITTEE
22	I hereby authorize the Equal Employment Opportunity Commission and the Washington State
24	Human Rights Commission to furnish to members of the Federal civil Rights Case screening Committee
25	and to any attorney subsequently selected by the Court to represent me with a copy of the files
26	maintained by them in connection with my complaint of discrimination.
27	
27	Application for Court-Appointed Counsel in Title VII Action 2
20	

1	<u>AFFIDAVIT OF SERVICE</u>
2	
3	The following is a list of all other parties, and their respective attorneys, who have appeared or
4	answered in this action.
5	PARTY <u>ATTORNEY</u>
6	
7	
8 9	
9 10	I have directed a copy of this entire Application, by mail or by personal service, to the attorney
11	for each such party.
12	I,, plaintiff in this action, swear that I have read
13	this entire Application, including any attachments, and the Complaint. In accordance with 28 U.S.C.
14	§ 1746, I declare under penalty of perjury that the foregoing information is true and correct.
15	Executed on this day of,
16	
17	
18	
19	Signature of Plaintiff
20	
21	Plaintiff's Name, Address and Telephone:
22	
23	
24	
25	
26 27	Application for Court-Appointed Counsel in Title VII Action 3
27 28	Revised 11/03
20	



## **U.S. DISTRICT COURT** Western District of Washington **Pro Se Registration Form** For the Electronic Case Filing System (CM/ECF) Please complete a form for each case you have before the Court.

All fields are required.

#### **Check One:**

Please register me to receive service of documents and notice of electronic filings to my email\* via the Court's electronic filing system (CM/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 email\* via the Court's electronic filing system (CM/ECF). By signing the agreement to file your documents electronically through CM/ECF, you waive your ability to file your documents in paper form over the counter or through the mail.

Name:	Case No:
E-mail Address:	Phone no:
Address:	

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 required that you establish a PACER - Case Search **Only** 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 Email This Form:** Save a copy of this form to your computer and then send it as an attachment to: cmecfreg@wawd.uscourts.gov.

Submit by Email

### 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.

**PACER Registration:** You are also required to request CM/ECF access via pacer.gov. Review the Pro Se Registration Instructions for step-by-step guidance. You will receive email confirmation of your registration when it is processed.

For assistance, please contact the CM/ECF Support at (206)370-8440, then press Option 2 (Seattle area), (866)323-9293, then press Option 2 (Outside Seattle area) or email us at: cmecf@wawd.uscourts.gov.



# FEDERAL CIVIL RIGHTS LEGAL CLINIC

30 Minutes of Free Legal Advice

Our Seattle Clinic advises pro se litigants on federal civil rights issues, including discrimination, unlawful search and seizure, excessive force, free speech, voting rights, Second Amendment rights, prisoner rights, and religious freedom.

# Due To COVID-19, All Clinic Sessions Will Be Conducted Over The Phone

Clinic Sessions Are By Appointment Only Four Thursdays Per Month 12:00-2:00 pm

Volunteer attorneys will not provide legal representation but can refer you to other community resources.

For Appointments Please Submit An Online Form at www.kcba.org/nlc or Call **206.267.7070** and Press "1" To Leave a Message



# FEDERAL CIVIL RIGHTS LEGAL CLINIC

30 Minutes of Free Legal Advice

Our Tacoma Clinic advises pro se litigants on federal civil rights issues, including discrimination, unlawful search and seizure, excessive force, free speech, voting rights, Second Amendment rights, prisoner rights, and religious freedom.

Due To COVID-19, All Clinic Sessions Will Be Conducted Over The Phone

Clinic Sessions Are By Appointment Only The First Thursday of Every Month 12:00-2:00 pm

Volunteer attorneys will not provide legal representation but can refer you to other community resources.

For Appointments Please Call **253.368.6690** Phone Lines Are Open Monday – Thursday, 10:00 am – 3:00 pm