

PROCEDURE FOR SERVING A COMPLAINT ON  
A CORPORATION, PARTNERSHIP OR UNINCORPORATED ASSOCIATION  
IN A FEDERAL LAWSUIT

A plaintiff suing a corporation, partnership or unincorporated association in federal court may satisfy the service requirements of Fed. R. Civ. P. 4 by following one of two procedures.

Option One

Plaintiff may notify a defendant corporation, partnership, or association's "officer, managing or general agent or other agent authorized by appointment or law to receive service of process" in writing of the filing of his lawsuit and request that the defendant waive service of a summons. Fed. R. Civ. P. 4(d)(1). If plaintiff chooses this method of service, plaintiff must

- complete an original and one copy of a form titled "Notice of a Lawsuit and Request to Waive Service of a Summons" (blank notice forms are attached to this document);
- address a large envelope to the officer, managing or general agent or other agent and place the following documents inside:
  - a) an original and one copy of the completed notice form;
  - b) a blank form titled "Waiver of Service of Summons" (also accompanying this memorandum);
  - c) a copy of the complaint filed in federal court; and
  - d) a self-addressed, stamped envelope for the defendant's use in returning the waiver form;
- mail the envelope to the officer or agent by first-class mail or other reliable means;
- allow the defendant "a reasonable time to return the waiver, which shall be at least 30 days from the date on which the request is sent . . ." (Fed. R. Civ. P. 4(d)(1)(F)).
- mail a copy of the signed waiver form to the court for filing as proof of service.

## Option Two

**Note well:** This procedure need not be followed unless a defendant refuses to complete and return a waiver form as described above.

Plaintiff may arrange to serve the defendant corporation, partnership or association with a summons and complaint. Fed. R. Civ. P. 4(h). If plaintiff chooses this method of service, plaintiff must

- complete a summons form for the defendant (summons forms are available on request from the clerk of court);
- present the completed summons form to the clerk of this court to obtain his signature and an imprint of the court's seal;
- arrange for someone over the age of 18 years of age who is not a party to the lawsuit to
  - a) deliver the signed and sealed summons and a copy of the complaint to an officer, a managing or general agent or any other agent authorized by appointment or by law to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant, Fed. R. Civ. P. 4(h)(1)(B); or
  - b) serve defendant in accordance with state law, Fed. R. Civ. P. 4(h)(1)(A); Wis. Stat. § 801.11;
- file with the court an affidavit of the person who effected service of the summons and complaint upon defendant stating the time and date the delivery was made and with whom the summons and complaint was left, or showing a receipt signed by the defendant's officer, managing or general agent or any other agent authorized by appointment or by law to receive service of process, or other evidence of delivery. Fed. R. Civ. P. 4(l).