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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAI GINN, a single woman,)	
)	No.
Plaintiff,)	
vs.)	
)	
CITY OF BELLINGHAM, a municipal Corporation; MANNIX MCDONNELL, SCOTT FARLOW, JEFFREY BRUBAKER, MATTHEW COOK, HUNTER ELLIOTT, STEVE LARSON, KRISTIA PESCHKA, MICAH QUINTRALL, DERIK SCOTT, OLIVIA SUND, AARON WOLVEN; MARVIN A. WAYNE, M.D.)	COMPLAINT TO RECOVER DAMAGES FOR VIOLATION OF CIVIL RIGHTS AND TORTIOUS INTERFERENCE WITH A DEAD BODY
)	
Defendants.)	JURY DEMAND

COMPLAINT TO RECOVER DAMAGES FOR VIOLATION OF CIVIL RIGHTS AND TORTIOUS INTERFERENCE WITH A DEAD BODY

I. JURISDICTION AND VENUE

Plaintiff brings this Complaint under 42 U.S.C. Section 1983, for damages resulting from the violation of Civil Rights and Tortious Interference with a Dead

1 Body inflicted upon Plaintiff by Defendants. The court has jurisdiction of this action
2 (28 U.S.C. Sec. 1343) and of the parties. Venue is proper in this judicial district as
3 the incident complained of occurred in this district and the defendants reside in the
4 district. Plaintiff alleges as follows:
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8 II. PARTIES

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10 1. Plaintiff JAI GINN is an individual who is a resident of Bellingham,
11 Whatcom County, Washington, and is the next of kin of Bradley Ginn.
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13 2. Defendant CITY OF BELLINGHAM is a municipal corporation in
14 Bellingham, Whatcom County, Washington.
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16 3. Defendants MANNIX MCDONNELL, SCOTT FARLOW, JEFFREY
17 BRUBAKER, MATTHEW COOK, HUNTER ELLIOTT, STEVE LARSON, KRISTIA
18 PESCHKA, MICAH QUINTRALL, DERIK SCOTT, OLIVIA SUND and AARON
19 WOLVEN are now or were at the time of this incident, employees of City of
20 Bellingham Fire Department in Bellingham, Whatcom County, Washington.
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25 4. Defendant MARVIN A. WAYNE, M.D. is the Whatcom County Medical
26 Director and implemented the emergency services policies for the City of
27 Bellingham Fire Department, including the initial certifications for emergency
28 service technicians as well as re-certifications every three years.
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III. FACTUAL BACKGROUND

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2 5. MARVIN A. WAYNE, M.D. is the Medical Program Director for Whatcom
3 County, and he is the Whatcom County Medic One Supervising Physician by
4 contract with the City of Bellingham. Whatcom Medic One services are provided in
5 the City of Bellingham by the Bellingham Fire Department. Dr. Wayne has held
6 such position with Whatcom County and the City of Bellingham since the 1970's.
7 In the 1970's, Dr. Wayne established emergency services protocols for Whatcom
8 Medic One and thereby, the City of Bellingham Fire Department. He approves the
9 certifications for both the initial paramedic license and re-certifications, which
10 occurs every three (3) years. In the City of Bellingham the re-certification requires
11 paramedics to perform twelve (12) intubations within a three (3) year cycle. Eight
12 (8) of those intubations must be performed on a human and four (4) can be
13 performed on a mannequin.
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20 6. Since the 1970's, Dr. Wayne, as the director of medical policy for the
21 Bellingham Fire Department medical services, instituted, promulgated, promoted,
22 and even participated in an unwritten policy to perform endotracheal intubations on
23 deceased medical patients for the purpose of recertification requirements. Dr.
24 Wayne's policy did not require medical personnel to seek out, or obtain consent
25 from the next of kin prior to performing intubations. The intubations were to be
26 performed at the discretion of the medical personnel. Dr. Wayne advocated
27 performing such non-consensual intubations in private. The policy and practice
28 described above was consciously and consistently approved at the highest policy
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1 making level (Dr. Wayne) for the City of Bellingham Medical Services. For twenty-
2 five years the Bellingham Fire Department implemented the policy of intubating
3 dead bodies for recertification purposes.

4
5 7. On or about July 31, 2018, Plaintiff's husband, Bradley Ginn, was being
6 transported from North Cascade Health & Rehabilitation Center in Bellingham,
7 Washington, to St. Joseph's Hospital in a Whatcom Medic One ambulance
8 operated by the City of Bellingham Fire Department and its employees. He was 52
9 years old and died during the transport. The primary cause of death listed on his
10 Death Certificate was: "Acute on Chronic Hypoxemic Respiratory Failure."
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14 8. St. Joseph's Hospital in Bellingham, Washington, refused to accept Mr.
15 Ginn, as he had not died at the hospital. The Whatcom County Medical Examiner
16 also refused to accept Mr. Ginn. A decision was made to take him to Fire Station 1
17 pending funeral arrangements. A valid "Do Not Resuscitate" ("DNR") was in place
18 and the paramedics on the medic unit knew of the DNR and did not attempt to
19 start life saving measures.
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24 9. Once at the station, and over the course of forty-five (45) minutes, eleven
25 (11) City of Bellingham employees performed endotracheal intubations on Mr.
26 Ginn a total of fifteen (15) times on the floor of the apparatus bay (garage). While
27 on the apparatus bay floor, Mr. Ginn's torso and head were exposed from the body
28 bag where he had been placed. Only eleven (11) of the intubations were
29 successful. The intubations provided no medical purpose.
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10. Consent was never requested from any family member of Mr. Ginn and no consent was ever received.

11. MANNIX MCDONNELL, the Fire Division Chief intubated Mr. Ginn and directed ten (10) other employees to intubate Bradley Ginn. Only seven (7) of the employees who performed the intubations were licensed, trained, or authorized to perform intubations. MANNIX MCDONNELL and the paramedics directed by him were acting under the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

12. SCOTT FARLOW, an Emergency Medical Services Captain with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, acting under the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

13. JEFFREY BRUBAKER, a Captain / Community Paramedic with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

14. MATTHEW COOK, a Paramedic / Firefighter with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

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15. HUNTER ELLIOTT, an Emergency Medical Technician / Firefighter with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

16. STEVE LARSON, a Paramedic / Firefighter with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

17. KRISTIA PESCHKA, an Accounting Assistant with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

18. MICAH QUINTRALL, a Paramedic / Firefighter with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

19. DERIK SCOTT, a Paramedic / Firefighter with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

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20. OLIVIA SUND, an Office Assistant with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

21. AARON WOLVEN, a Paramedic / Firefighter with the City of Bellingham Fire Department, intubated Bradley Ginn on July 31, 2018, under the direction of Chief MANNIX MCDONNELL, per the policy created by Marvin A. Wayne, M.D. and adopted by the City of Bellingham.

22. Chief MANNIX MCDONNELL directed AARON WOLVEN, who planned to become an intubation instructor but was not currently authorized, to instruct and oversee HUNTER ELLIOTT to intubate Mr. Ginn. In addition, two non-medically trained office personnel, OLIVIA SUND and KRISTIA PESCHKA, were also offered the opportunity and encouraged to intubate Mr. Ginn by Chief MCDONNELL and other paramedics and firefighters. Following the intubation, the two secretaries, OLIVIA SUND and KRISTIA PESCHKA, "high fived" each other.

23. Consistent with the long standing policy and practice of the City of Bellingham Fire Department as issued by Dr. Wayne, City of Bellingham employees were directed by their supervisors to intubate Mr. Ginn fifteen (15) times, in order to satisfy recertification requirements, to conduct an impromptu intubation lesson for a firefighter who was not legally allowed to perform intubations, as well as to offer the opportunity to intubate Mr. Ginn for the self-

1 gratifying purposes of two Fire Department office workers and the Division Chief
2 who allowed their performance of intubations.

3 24. This policy of performing nonconsensual intubations and the practice of
4 it by the Bellingham Fire Department employees was the proximate cause of the
5 injuries suffered here by the Plaintiff.
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8 25. As a direct and proximate cause of the conduct of the City of
9 Bellingham, its employees and Marvin A. Wayne, M.D., the Plaintiff suffered
10 significant emotional damages. Plaintiff was married to Bradley Ginn for thirty-four
11 (34) years; she was an attentive and caring wife. She was on her way to see
12 Bradley Ginn and she had no idea that he had passed away, all while the
13 Bellingham Fire Department employees were performing intubations on him on the
14 floor of Station 1.
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21 **Count I — 42 U.S.C. Section 1983 Due Process**
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23 26. Each of the Paragraphs of the Complaint is incorporated as if restated
24 fully herein.
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26 27. As described more fully above, all of the Defendants, while acting
27 individually, jointly, and in a conspiracy, as well as under the color of law and
28 within the scope of their employment, deprived Plaintiff of her constitution right to
29 due process as the next of kin to Bradley Ginn.
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28. In the manner more fully described above, the Defendants deliberately and intentionally, and without consent of his next of kin (the Plaintiff), repeatedly intubated Mr. Bradley Ginn on the floor of the garage of the Fire Department, using his body as, (1) a hasty means of meeting recertification protocol, (2) a means to conduct an impromptu lesson allowing a paramedic to teach a non-certified fireman in the skill of intubation, (3) a way to test new and yet untested intubation equipment, and (4) a way for two office workers to perform intubations for no legitimate purpose. Absent this misconduct, there would have been no violation of the Plaintiff's constitutional right to Due Process.

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29. The City of Bellingham employees in adherence with Dr. Wayne's long standing policy and their conduct on July 31, 2018, denied the Plaintiff of her rights as the next of kin in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

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30. As a result of this violation of the Plaintiff's right to Due Process, Plaintiff suffered injuries, including but limited to, emotional distress, as is more fully alleged above.

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31. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with deliberate and willful indifference to the Plaintiff's constitutional rights. As a result of the deprivation of her constitutional rights, the Plaintiff has suffered damages.

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32. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Bellingham Fire Department and Dr. Wayne in the manner described more fully above.

Count II – Tortious Interference with a Dead Body

33. Plaintiff re-alleges and incorporates herein all preceding paragraphs in this Complaint as set forth in full herein.

34. The City of Bellingham, through its employees, committed the tort of Tortious Interference With a Dead Body by knowingly and intentionally misusing Mr. Ginn’s body by repeatedly performing unnecessary and unauthorized intubations.

35. As a direct and proximate cause of the City of Bellingham’s unlawful conduct, Plaintiff has suffered severe emotional distress, and damages.

36. As a consequence of the City of Bellingham’s wrongful conduct, it is liable to Plaintiff; the decedent’s next of kin, for damages in an amount to be proven at trial.

The City of Bellingham and Marvin Wayne, M.D. knew or should have known that their policy for the last twenty years was objectively unreasonable and violated medical ethical standards. No reasonable medical provider and no

1 reasonable city or other entity would have instituted such a policy. This policy
2 caused severe damages to the Plaintiff.
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5 **IV. INJURIES**

6 Since the stated incident the Plaintiff has suffered with severe emotional
7 distress, Post-Traumatic Stress Disorder and trauma. Her life is forever changed
8 as a result of the gross misconduct and violations of Civil Rights and Tortious
9 Interference with a Dead Body inflicted upon Plaintiff by Defendants.
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14 **V. JURY DEMAND**

15 Plaintiff hereby demands a trial by jury.
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20 **VI. REQUEST FOR RELIEF**

21 Plaintiff incorporates the preceding paragraphs by reference herein.
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23 WHEREFORE, Plaintiff seeks the following relief:
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25 I. Actual and compensatory damages sufficient to make her whole;
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27 II. Punitive damages against the Defendants sufficient to punish them
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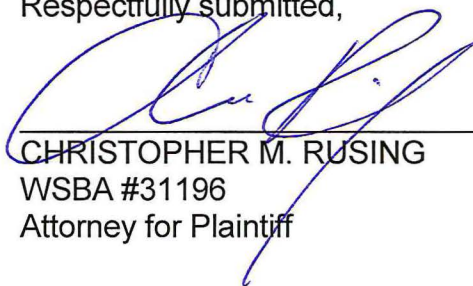
29 and to deter further wrongdoing;
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31 III. Attorney's fees, litigation expenses, costs, pre- and post-judgment
32 interest as provided by law; and
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IV. Such other and further relief as the Court deems just and proper.

DATED: August 1, 2019.

Respectfully submitted,



CHRISTOPHER M. RUSING
WSBA #31196
Attorney for Plaintiff

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JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings 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. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">Jai Ginn</p> <p>(b) County of Residence of First Listed Plaintiff <u>Whatcom</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> The Rusing Firm 120 Grand Avenue Bellingham, WA 98225 Phone: 360-676-1420</p>	<p>DEFENDANTS</p> <p style="text-align: center;">City of Bellingham and Marvin A. Wayne, M.D.</p> <p>County of Residence of First Listed Defendant <u>Whatcom</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i> Shane Brady 210 Lottie Street Bellingham, WA 98225</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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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
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 495 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS		FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 510 Motions to Vacate Sentence	IMMIGRATION	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 465 Other Immigration Actions	
	<input type="checkbox"/> 448 Education	Other:		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File


VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
42 U.S.C. Section 1983

Brief description of cause:
Violation of civil rights / tortious interference with a dead body

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE Robert S. Lasnik DOCKET NUMBER 2:19-cv-00955-RL

DATE 07/31/2019 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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Civil Action No.

SUMMONS IN A CIVIL ACTION

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 *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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 *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

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