

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JANET WASHBURN, an individual,

Plaintiff,

v.

BONITA SPRINGS FIRE CONTROL &
RESCUE DISTRICT,

Defendant.

CIVIL ACTION

Case No. 2:24-cv-121

Judge:

Mag. Judge:

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, JANET WASHBURN (“WASHBURN” or “Plaintiff”), by and through undersigned counsel, and states the following for her Complaint:

CAUSES OF ACTION

1. This is an action brought under Title VII of the Civil Rights Act of 1964 (Title VII) and the Florida Civil Rights Act of 1992 (FCRA) for (1) gender discrimination in violation of Title VII, (2) gender discrimination in violation of the FCRA, (3) retaliation in violation of Title VII, and (4) retaliation in violation of the FCRA.

PARTIES

2. The Plaintiff, **JANET WASHBURN** (“**WASHBURN**” or “Plaintiff”) is an individual and a resident of Florida at all times relevant to this action, and was employed by the Defendant in Lee County, Florida. **WASHBURN** is a female person.

3. Defendant, **BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT** is a public employer that employed **WASHBURN** in Lee County, Florida. The Defendant is an employer under Title VII and the FCRA.

4. At all material times, the Defendant employed greater than fifteen (15) employees.

JURISDICTION AND VENUE

5. This Court has jurisdiction of this matter under 28 U.S.C. §1331.

6. This Court has supplemental jurisdiction over **WASHBURN**’s state law claims pursuant to 28 U.S.C. § 1367.

7. Venue is proper in the United States District Court for the Middle District of Florida because the Plaintiff resides in, and the Defendant conducts business in, and some or all of the events giving rise to Plaintiff’s claims occurred in Lee County, Florida, which is within the Middle District of Florida. Venue is proper in the Ft. Myers Division under Local Rule 1.04 since Lee County is within the Ft. Myers Division.

8. **WASHBURN** received her Notice of Right to Sue from United States Equal Employment Opportunity Commission (“EEOC”) on November 23, 2023 and the instant Complaint is filed within the time frame required under the law. (A true and accurate copy of the Notice of Right to Sue is attached as Exhibit A).

GENERAL ALLEGATIONS

9. **WASHBURN** began her employment with the Defendant in July 2019, and was employed as the Fire Marshal.

10. **WASHBURN** always performed her assigned duties in a professional manner and was very well qualified for her position.

11. **WASHBURN**, by virtue of her gender, is a member of a protected class.

12. Beginning in about January 2020, when Chief Dewitt was promoted, **WASHBURN** started being subjected to disparate treatment due to her gender.

13. **WASHBURN**’s supervisors undermined her authority, disregarded her rank and chain of command, spoke to her with disrespect, were dismissive, and refused to evaluate her performance objectively.

14. The critiques against **WASHBURN** are for what males are praised for (i.e. a male leader is described as assertive but a female leader doing the same thing is described as abrasive and difficult or a “bitch”).

15. **WASHBURN**’s pedigree is impeccable, as was her performance.

16. After several unfair performance reviews, **WASHBURN** filed written complaints of gender discrimination on or about August 4, 2022, August 17, 2022 and August 24, 2022.

17. The Defendant then hired a defense law firm to “investigate” **WASHBURN**’s allegations, and **WASHBURN** participated in the investigation and reiterated her complaints of gender discrimination; but rather than properly investigate, the investigator turned the tables and made disparaging comments against **WASHBURN** in his December 19, 2022 report.

18. The Defendant terminated **WASHBURN**’s employment on January 24, 2023.

19. **WASHBURN** was terminated due to her gender and in retaliation for lodging complaints of gender discrimination.

20. The Defendant has violated Title VII and the FCRA.

COUNT I - VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, GENDER DISCRIMINATION

21. Plaintiff incorporates by reference Paragraphs 1-20 of this Complaint as though fully set forth below.

22. **WASHBURN** is a female and as such, is a member of a protected class.

23. At all material times, **WASHBURN** was an employee and the Defendant was her employer covered by and within the meaning of Title VII of the Civil Rights Act of 1963, 42 U.S.C §2000e.

24. **WASHBURN** was, and is, qualified for the positions that she held with the Defendant.

25. **WASHBURN** has endured disparate treatment while employed with the Defendant, thereby altering the terms and conditions of her employment.

26. The acts, failures to act, practices and policies of the Defendant set forth above constitute intentional discrimination on the basis of **WASHBURN**'s gender in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2.

27. As a direct and proximate result of the violations of 42 U.S.C. § 2000e et seq. as referenced and cited herein, **WASHBURN** has lost benefits and privileges of her employment and has been substantially and significantly injured in her career path.

28. As a direct and proximate result of the violations of 42 U.S.C. § 2000e et seq. as referenced and cited herein, and as a direct and proximate result of the prohibited acts perpetrated against her, **WASHBURN** is entitled to all relief necessary to make her whole as provided for under 42 USC § 2000e et seq.

29. As a direct and proximate result of the Defendant's actions, **WASHBURN** has suffered damages, including but not limited to, a loss of employment opportunities, loss of past and future employment income and fringe

benefits, humiliation, and non-economic damages for physical injuries, mental and emotional distress.

30. **WASHBURN** has exhausted her administrative remedies and this count is timely brought.

WHEREFORE, Plaintiff requests trial by jury of all issues so triable as of right, and:

- i. Back pay and all other benefits, perquisites and other compensation for employment which plaintiff would have received had she maintained her position with the Defendant, plus interest, including but not limited to lost salary and bonuses;
- ii. Front pay, including raises, benefits, insurance costs, benefits costs, and retirement benefits;
- iii. Reimbursement of all expenses and financial losses Plaintiff has incurred as a result of Defendant's actions;
- iv. Reasonable attorney's fees plus costs;
- v. Compensatory damages, and;
- vi. Such other relief as this Court shall deem appropriate.

COUNT II - VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT OF 1992,
GENDER DISCRIMINATION

31. Plaintiff incorporates by reference Paragraphs 1-20 of this Complaint as though fully set forth below.

32. **WASHBURN** is a female and as such, is a member of a protected class.

33. At all material times, **WASHBURN** was an employee and the Defendant was her employer covered by and within the meaning of the FCRA.

34. **WASHBURN** was, and is, qualified for the positions that she held with the Defendant.

35. **WASHBURN** has endured disparate treatment while employed with the Defendant, thereby altering the terms and conditions of her employment.

36. The acts, failures to act, practices and policies of the Defendant set forth above constitute intentional discrimination on the basis of **WASHBURN**'s gender in violation of the FCRA.

37. As a direct and proximate result of the violations of the FCRA as referenced and cited herein, **WASHBURN** has lost benefits and privileges of her employment and has been substantially and significantly injured in her career path.

38. As a direct and proximate result of the violations of the FCRA as referenced and cited herein, and as a direct and proximate result of the prohibited acts perpetrated against her, **WASHBURN** is entitled to all relief necessary to make her whole as provided for under the FCRA.

39. As a direct and proximate result of the Defendant's actions, **WASHBURN** has suffered damages, including but not limited to, a loss of

employment opportunities, loss of past and future employment income and fringe benefits, humiliation, and non-economic damages for physical injuries, mental and emotional distress.

40. **WASHBURN** has exhausted her administrative remedies and this count is timely brought.

WHEREFORE, Plaintiff requests trial by jury of all issues so triable as of right, and:

- ii. Back pay and all other benefits, perquisites and other compensation for employment which plaintiff would have received had she maintained her position with the Defendant, plus interest, including but not limited to lost salary and bonuses;
- iii. Front pay, including raises, benefits, insurance costs, benefits costs, and retirement benefits;
- iv. Reimbursement of all expenses and financial losses Plaintiff has incurred as a result of Defendant's actions;
- v. Reasonable attorney's fees plus costs;
- vi. Compensatory damages, and;
- vii. Such other relief as this Court shall deem appropriate.

**COUNT III - VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF
1964- RETALIATION**

41. Plaintiff incorporates by reference Paragraphs 1-20 of this Complaint as though fully set forth below.

42. **WASHBURN** is a female a person and, as such, is a member of a protected class.

43. At all material times, **WASHBURN** was an employee and the Defendant was her employer covered by and within the meaning of Title VII of the Civil Rights Act of 1963, 42 U.S.C §2000e.

44. **WASHBURN** was qualified for the positions that she held with the Defendant.

45. **WASHBURN** complained to the Defendant about the gender discrimination and retaliation, and the Defendant clearly observed her growing discomfort concerning the same.

46. **WASHBURN's** complaints constitute a protected activity because her complaints were concerning an unlawful activity of the Defendant.

47. Said protected activity was the proximate cause of the Defendant's negative employment actions against **WASHBURN**.

48. Instead of preventing said treatment, the Defendant retaliated against **WASHBURN**.

49. The acts, failures to act, practices and policies of the Defendant set forth above constitute retaliation in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2.

50. As a direct and proximate result of the violations of 42 U.S.C. § 2000e et seq., as referenced and cited herein, **WASHBURN** has lost all of the benefits and privileges of her employment and has been substantially and significantly injured in her career path.

51. As a direct and proximate result of the violations of 42 U.S.C. § 2000e et seq., as referenced and cited herein, and as a direct and proximate result of the prohibited acts perpetrated against her, **WASHBURN** is entitled to all relief necessary to make her whole as provided for under 42 USC § 2000e et seq.

52. As a direct and proximate result of the Defendant's actions, **WASHBURN** has suffered damages, including but not limited to, a loss of employment opportunities, loss of past and future employment income and fringe benefits, humiliation, and non-economic damages for physical injuries, mental and emotional distress.

53. **WASHBURN** has exhausted her administrative remedies and this count is timely brought.

WHEREFORE, Plaintiff requests trial by jury of all issues so triable as of right, and:

- i. Back pay and all other benefits, perquisites and other compensation for employment which Plaintiff would have received had she maintained her position with the Defendant, plus interest, including but not limited to lost salary and bonuses;
- ii. Front pay, including raises, benefits, insurance costs, benefits costs, and retirement benefits;
- iii. Reimbursement of all expenses and financial losses Plaintiff has incurred as a result of Defendant's actions;
- iv. Reasonable attorney's fees plus costs;
- v. Compensatory damages, and;
- vi. Such other relief as this Court shall deem appropriate.

**COUNT IV - VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT OF 1992-
RETALIATION**

54. Plaintiff incorporates by reference Paragraphs 1-20 of this Complaint as though fully set forth below.

55. **WASHBURN** is a female a person and, as such, is a member of a protected class.

56. At all material times, **WASHBURN** was an employee and the Defendant was her employer covered by and within the meaning of the FCRA.

57. **WASHBURN** was qualified for the positions that she held with the Defendant.

58. **WASHBURN** complained to the Defendant about the gender discrimination and retaliation, and the Defendant clearly observed her growing discomfort concerning the same.

59. **WASHBURN's** complaints constitute a protected activity because her complaints were concerning an unlawful activity of the Defendant.

60. Said protected activity was the proximate cause of the Defendant's negative employment actions against **WASHBURN**.

61. Instead of preventing said treatment, the Defendant retaliated against **WASHBURN**.

62. The acts, failures to act, practices and policies of the Defendant set forth above constitute retaliation in violation of the FCRA.

63. As a direct and proximate result of the violations of the FCRA, as referenced and cited herein, **WASHBURN** has lost all of the benefits and privileges of her employment and has been substantially and significantly injured in her career path.

64. As a direct and proximate result of the violations of the FCRA, as referenced and cited herein, and as a direct and proximate result of the prohibited acts perpetrated against her, **WASHBURN** is entitled to all relief necessary to make her whole as provided for under the FCRA.

65. As a direct and proximate result of the Defendant's actions, **WASHBURN** has suffered damages, including but not limited to, a loss of

employment opportunities, loss of past and future employment income and fringe benefits, humiliation, and non-economic damages for physical injuries, mental and emotional distress.

66. **WASHBURN** has exhausted her administrative remedies and this count is timely brought.

WHEREFORE, Plaintiff requests trial by jury of all issues so triable as of right, and:

- i. Back pay and all other benefits, perquisites and other compensation for employment which plaintiff would have received had she maintained her position with the Defendant, plus interest, including but not limited to lost salary and bonuses;
- ii. Front pay, including raises, benefits, insurance costs, benefits costs, and retirement benefits;
- iii. Reimbursement of all expenses and financial losses Plaintiff has incurred as a result of Defendant's actions;
- iv. Reasonable attorney's fees plus costs;
- v. Compensatory damages, and;
- vi. Such other relief as this Court shall deem appropriate.

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, **JANET WASHBURN**, by and through her undersigned attorneys, and demands a jury trial under Federal Rule of Civil Procedure 38 on all issues triable of right by a jury in this action.

Respectfully submitted,

Dated: February 7, 2024

/s/ Benjamin H. Yormak

Benjamin H. Yormak
Florida Bar Number 71272
Lead Counsel for Plaintiff
Yormak Employment & Disability Law
27200 Riverview Center Blvd., Suite 109
Bonita Springs, Florida 34134
Telephone: (239) 985-9691
Fax: (239) 288-2534
Email: byormak@yormaklaw.com



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

150 M Street, N.E.

Karen Ferguson , EMP, 4CON, Room 9.514

Washington, DC 20530

November 20, 2023

Ms. Janet Washburn
c/o Dawn Bernardo, Esquire
Yormak Employment & Disability Law
27200 Riverview Center Blvd.
Suite 109
Bonita Springs, FL 34134

Re: EEOC Charge Against Bonita Springs Fire Control & Rescue District, et al.
No. 510202304554

Dear Ms. Washburn:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Miami District Office, Miami, FL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Kristen Clarke
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Miami District Office, EEOC
Bonita Springs Fire Control & Rescue District, et al.

JS 44 (Rev. 11/15)

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.)*

I. (a) PLAINTIFFS

JANET WASHBURN, an individual,

(b) County of Residence of First Listed Plaintiff Lee
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Benjamin H. Yormak (239) 985-9691
27200 Riverview Center Blvd., Ste.109
Bonita Springs, FL 34134

DEFENDANTS

BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT,

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

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)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	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

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty 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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
Title VII

Brief description of cause:
Title VII & FCRA (Gender Discrimination & Retaliation)

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 _____ DOCKET NUMBER _____

DATE 02/07/2024 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 _____

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Plaintiff(s)

v.

Civil Action No. _____

Defendant(s)

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: