Requesting a Summons

Background

A civil action commences when a complaint is filed. A summons is a writ, a formal command from the court, that accompanies the complaint and notifies the defendant(s) that a civil proceeding has been filed and that a response is required within a certain time limit.

The clerk's office issues summons to a plaintiff or plaintiff's attorney when a paid complaint is filed. The clerk's office is authorized to sign, seal, and issue summonses electronically; however, such electronically-issued summonses may not be served electronically. The clerk's office will not issue summons in prisoner cases until the pro se law clerk conducts an initial review of the case.

This document provides instruction on how to prepare and docket the "summons requested" event in CM/ECF.

Resources

Federal Rules of Civil Procedure Rule 4(a), 4(b), 4(c)(1), and 4(l)(1)

Preparing the summons

A fillable summons form (AO 440) is available on the court's Web site at http://www.ned.uscourts.gov/forms/.

The plaintiff or plaintiff's attorney must complete a summons form for each defendant being served. Each summons form must contain the following information:

- name of the court,
- case number,
- names of all parties (i.e., parties listed in the case caption),
- name and address of the party to be served,
- name and address of plaintiff's attorney, if any, or the plaintiff's address, and
- the time in which the defendant is required to answer the complaint.

Once the summons(es) have been completed with the required information, the summons(es) should be combined into one PDF and "flattened" to lock in the fields.

Follow the steps in the table below to combine and flatten the summons(es) before

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filing.

STEP	ACTION
1	If you only have one summons, skip to step 5.
2	Combine multiple summonses in Adobe Acrobat. Start with one summons open in Adobe Acrobat. From the **Document** menu, choose **Insert Pages**... **From File**... and choose another summons pdf to attach.
3	In the Insert Pages dialog box choose the Location **After** and mark **Last**.
4	Repeat steps 2-3 above until all summonses are in a single document.
5	Flatten the final PDF document to lock in all fields prior to filing. In Adobe Acrobat go to **File**, then **Print**.
6	From the drop-down list of printers, choose the **Adobe PDF** printer and click **OK**. You will be prompted to save the file with a new name.

Docketing the "summons request" event in CM/ECF
Follow these steps to docket the summons request event in CM/ECF:

STEP	ACTION
1	Click **Civil** > **Initial Pleadings and Service** > **Service of Process** > **Summons Requested** > **Next**.
2	Enter the case number and click **Next** > **Next**.
3	Click **Browse** to retrieve the summons PDF you created above.
4	At the **Choose file** screen, locate your document and then right click to open the PDF to ensure you are attaching the correct document.
5	Once you have ensured you are attaching the correct document, click **Open**.

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STEP	ACTION
6	In the text box, list the party(ies) being summonsed.
7	Select the category to which your event relates by clicking on "cmp" from the list in the box. Click **Next.**
8	Check the box next to the complaint and click **Next**.
9	At the "Summons Requested" screen, click **Next**.
10	Review the docket text and click **Next**. One final screen will appear with the following language: Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue. After reviewing the docket text one final time, click **Next**. Example: "Summons Requested as to John Doe and Jane Doe regarding Complaint [1] by attorney George Washington."
11	Upon receipt of the summons, the clerk's office will sign, seal, and return the summons through the CM/ECF system for service on the defendants. The plaintiff's attorney(s) will receive e-mail notification of the "Summons Issued" event when it is filed in CM/ECF. Example: Summons Issued (COPY) as to defendants John Doe and Jane Doe. YOU MUST PRINT YOUR ISSUED SUMMONS, WHICH ARE ATTACHED TO THIS DOCUMENT. PAPER COPIES WILL NOT BE MAILED. Note: Paper copies of the summons will be provided for all parties who are not registered CM/ECF users.
12	The plaintiff's attorney must print the electronic summons(es) for service on the defendant(s).

Revision control log

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Date	Comments	By
7/6/12	Added instructions for combining and flattening	LKP
09/27/13	Removed reference to GO 06-07.	DKM

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