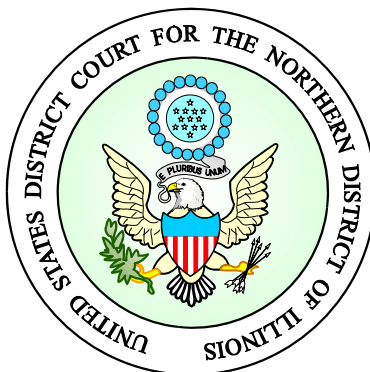
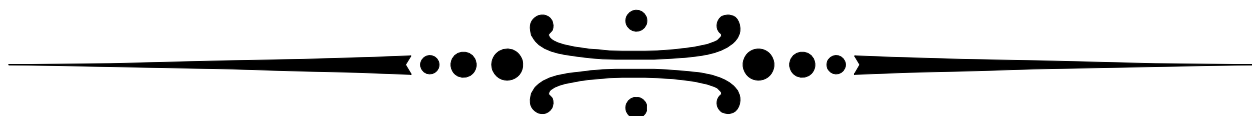


FILING A CIVIL CASE WITHOUT AN ATTORNEY: A GUIDE FOR THE PRO SE LITIGANT



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

(10/15/13)

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Introduction

This guide is intended to help people who want to file a civil case without an attorney. Someone who files a civil case on his or her own behalf is often referred to as a pro se party or pro se litigant (pronounced pro say).

If you are a pro se litigant, this guide will help you to understand some of the legal terms you are likely to hear as your case proceeds. It will explain some of the guidelines that control how a civil case moves forward. It will also give you information about a few legal resources you may wish to consult. However, the guide is *not* a substitute for an attorney.

The staff of the Clerk's Office can help you by answering questions about procedures, but they are *forbidden by law* from giving you legal advice. This means, for example, that the Clerk's staff *cannot* do any of the following:

- recommend a legal course of action or suggest ways to help you win your case;
- predict how a district or magistrate judge may decide any issue;
- interpret the meaning of any judicial order; or
- interpret the local rules of this Court, federal procedural rules, or federal statutes.

The rules and procedures that affect the way your case proceeds can be hard to understand. With that in mind, you should seriously consider trying to obtain professional legal assistance. There are legal organizations that can help arrange for you to have a chance to talk with a lawyer about your case for a small fee. There are also some organizations that help to arrange for attorneys to represent litigants at no charge. A separate section of this guide lists organizations that may be able to offer you legal assistance.

This guide has been organized into the following sections:

- Legal Words: Some Terms You May Encounter and What They Mean
- Filing Your Case: What You Must Do to Get Started
- Proceeding In Forma Pauperis
- Fees
- A Few Basic Procedures for Ongoing Cases
- The Clerk's Office
- Getting Legal Help
- Appendix: Samples of Forms and Local Rules

Copies of the forms that are included in the Appendix of the guide may be obtained from the Clerk's Office in Chicago or Rockford. The Chicago office is located on the 20th

floor of the Dirksen Federal Courthouse at 219 South Dearborn Street. The Rockford, Illinois office is located on the 2nd floor of the United States Courthouse at 327 South Church Street

The District is divided into two divisions. The Chicago courthouse is the headquarters for the District's Eastern Division. The Rockford courthouse is the headquarters for the District's Western Division. A map of the District has been included in the appendix, showing the counties in each division.

Legal Words: Some Terms You May Encounter and What They Mean

The courts and lawyers use words that you may not encounter in other settings. Because their vocabulary is specialized, you are likely to hear or see terms that are somewhat confusing. This section gives you definitions of some of the most common legal terms used in civil cases. It is intended to help make it easier to understand the discussion in the rest of the guide.

Amount in controversy	The phrase “amount in controversy” is sometimes used to describe the amount of money requested in a civil case.
Answer	The answer is the name for the document filed as the defendant's basic response to the complaint filed by the plaintiff. The answer must respond to each of the points made in the complaint.
Appearance form	An appearance form is a document form that records the name and address of someone who is representing one or more of the parties in a case. It is called an appearance form because it is a formal statement by the person who files it that he or she will “appear” in court on behalf of a party. The information entered on the appearance form is used by the Clerk's Office to send copies of notices and orders. Appearance forms are completed by both attorneys and pro se litigants. A sample appearance form has been included in the Appendix.
Civil case	A civil case is a legal action in which one party (the plaintiff) sues another party (the defendant). In a civil case, the plaintiff claims that the defendant or defendants failed to carry out some type of legal duty—for example, the duty to comply with a contract or the duty not to violate constitutional rights. The plaintiff also claims to have suffered a financial loss or personal injury because of the defendant's actions. In most civil cases the plaintiff asks the court to order the defendant to pay for the harm suffered by the plaintiff.

Civil cover sheet	The civil cover sheet is a form completed by the plaintiff that is submitted along with the complaint. The civil cover sheet records basic information about the civil case, including the names of the parties, the type of case, and the damages being requested by the plaintiff. The plaintiff may also use the civil cover sheet to request that the case be tried by a jury. Civil cover sheets are used to collect statistical information for the federal government about the kinds of cases filed in district courts. A sample civil cover sheet is included in the Appendix.
Complaint	The complaint is the document filed by the plaintiff that begins the lawsuit. It names each defendant, describes how the plaintiff was harmed by each defendant, explains why the court has jurisdiction over the case (“jurisdiction” is defined below), and describes the money damages or other forms of relief requested by the plaintiff. The complaint <i>must</i> be signed, either by an attorney or by the pro se party.
Counsel	“Counsel” is another name for attorney.
Damages	“Damages” is the word used to describe the harm that the plaintiff says was caused by the defendant. It is also used to describe the amount of money requested by the plaintiff in the complaint.
Default judgment	A default judgment is a judgment entered in then plaintiff’s favor because the defendant failed to answer or respond to the complaint.
Defendant	In a civil case, the defendant is the person being sued by the plaintiff.
Discovery	“Discovery” is a word used to describe the phase of a civil case where each side collects information from the other. This may mean getting copies of documents or holding interviews, called depositions, where one side answers questions asked by the other side about facts and events relevant to the case, with the answers being formally recorded as part of a record that may be used in the case.
District judges	These are the judges of the Court. District judges are sometimes called “Article III” judges because they are appointed for life under Article III of the United States Constitution.

Docket	The docket is a short written record of what happens in a civil case. Each document filed in the case and each order entered by the judge is noted on the docket. In federal district courts—including the Northern District of Illinois—the docket is a computerized record. This computerized docket is part of an automated system called the Case Management/Electronic Case Filing system, or CM/ECF. “The docket” and “the CM/ECF docket” are different names for the same thing.
Federal Rules of Civil Procedure	The Federal Rules of Civil Procedure are a set of rules that govern the way civil cases are handled in all federal district courts. Approved by the Supreme Court and by Congress, these rules have the force of law. They are often referred to by the abbreviation FedRCivP, FRCP, or FRCvP. Copies of the Federal Rules of Civil Procedure may be consulted at the William J. Campbell Law Library on the 16th floor of the Dirksen Building, and can probably also be found in any public library. In addition, a computerized version of the Federal Rules may be consulted in the public area of the Clerk’s Office on the 20th floor of the Chicago courthouse.
In forma pauperis	A person who cannot afford to pay the \$400 filing fee for a civil case has the option of asking the court for permission to file a case without paying the fee in advance. To make this request, the party files a petition called an in forma pauperis petition, or IFP petition. In Latin, the phrase in forma pauperis means “as a poor person.” This petition is a sworn statement that lists the plaintiff’s income and other assets, and is used by the judge in deciding whether or not the plaintiff should be allowed to proceed without paying the filing fee.
Judgment	The judgment is the final decision made by the judge that ends the case.
Jurisdiction	Jurisdiction is the legal authority of the court to hear a civil case. Federal district courts have jurisdiction only over the following types of civil cases: <ul style="list-style-type: none"> ● cases where the U.S. government is a plaintiff; ● cases where the U.S. government is a defendant; ● cases involving a constitutional right or a federal law (these are called federal question cases); and ● cases where the plaintiff and defendant live in different districts, for example, cases where the parties live in different states. This last type of case is called a

diversity case. In diversity cases, the dollar amount in controversy in the case must be *at least \$75,000*.

Leave to	The words “leave to” or “leave” are often used when a party is asking for the court’s permission to do something. For example, an attorney’s request for leave to appear in a case is a request for the court’s permission to appear.
Litigant	The word litigant is another name for the parties involved in a case, generally the plaintiff and the defendant.
Local rules	District courts have a set of their own rules that control aspects of civil cases. Copies of the local rules may be purchased from the Clerk’s Office. They may also be consulted in law libraries and on the Court’s website.
Internal operating procedures	The Court’s Internal Operating Procedures (IOPs) are procedural guidelines established by the Court that govern the administrative aspects of the Court’s operation. Like the local rules, the IOP’s may be purchased from the Clerk’s Office or consulted in law libraries and on the Court’s website.
Magistrate judges	Magistrate judges are judicial officers appointed by the Court for an eight-year term of office. In civil cases, magistrate judges can handle a wide range of matters referred to them by district judges. If all of the parties in a civil case give their consent, a civil case can be reassigned to a magistrate judge for trial. When a civil case is filed, a magistrate judge is designated for that case. If the case requires the involvement of a magistrate judge at any point, it will go to the designated magistrate judge.
Minute order	A minute order is a form used by judges to set schedules in cases and to record brief rulings. Judges sometimes use the reverse side of this form to enter brief orders.
Order	An order is a decision or set of instructions by a judge that usually directs the plaintiff or defendant to do something.
Party	Each person or company named in the lawsuit on either side of the case is called a party.

Plaintiff	In a civil action, the plaintiff is the party who files the case.
Pleadings	A pleading is a written document that sets out the basic position and argument of one of the parties in a case. In most cases, the basic pleading for the plaintiff is the complaint and the basic pleading for the defendant is the answer. In some cases, the basic response of the defendant on some occasions is a motion to dismiss the case instead of an answer.
Relief	“Relief” is another name for the money or other damages requested by the plaintiff in the complaint. When a party files a motion, the word “relief” is sometimes used to describe what action the party filing the motion is asking the judge to do.
Referral	A referral is an order entered by a district judge that directs a magistrate judge to handle one or more aspects of a case. Examples of matters that are sometimes referred to a designated magistrate judge are the supervision of the discovery process or the handling of a specific motion filed by one of the parties.
Service of process	“Service of process” is a phrase used to describe the act of formally serving a summons and a copy of the complaint on the defendant. Plaintiffs may not serve the summons on the defendant themselves. Service of process is usually carried out by a process server. Where ordered by the court, service in certain circumstances may be made by the U.S. Marshal (see also “waiver of service”).
Settlement	A settlement is one of the ways a case can end. A settlement occurs when the parties resolve their civil dispute, usually after negotiations among themselves rather than the court or a jury deciding the case.
Summons	A summons is a formal notice by the court telling the defendant that he or she is being sued by the plaintiff, and that an answer is required. The phrase used to describe the Clerk’s Office providing a signed and sealed copy of a summons to the plaintiff is “issuing the summons.” Even though the summons is a notice from the Court, <i>the plaintiff is responsible for delivering the summons and a copy of the complaint to the defendant, in accordance with F.R.Cv.P. 4.</i> Phrases that are sometimes used to describe delivering the summons to the defendant are “service of summons” and “executing service.” A copy of a blank summons is included in the Appendix.

Waiver of service

“Waiver of service” refers to circumstances where the plaintiff is able to waive (skip) the formal service of the summons on the defendant. For the plaintiff, the benefit of waiving service is not having to pay the cost of serving the summons. For defendants, the benefit of agreeing to waive service is extra time to file an answer to the complaint. Defendants who agree to waive service have 60 days to file an answer instead of the standard 21 days to answer. The U.S. government may not waive service. The Appendix includes two forms that are used for this purpose, a Notice of Lawsuit and Request for Waiver of Service of Summons, which is the form sent to the defendant by the plaintiff, and a Waiver of service, which is the form sent to the Clerk’s Office by a defendant who agrees to waive service. These two forms are included in the Appendix.

Filing Your Civil Case: What You Must Do to Get Started

Documents You Are Required to File

When you file a civil case, you must submit each of the following documents to the Cashier:

- a complaint.
Extra copies of the complaint are required. In addition to your original complaint, you must submit one extra copy for the judge. If you do not pay the filing fee and submit a petition to proceed without prepaying the fee, you will need to submit one extra copy of your complaint for each defendant. (IFP petitions are discussed in a section that begins on page 12).
- a civil cover sheet.
- an appearance form.
- a summons for each defendant named in the complaint.
You need to provide an original and one copy for each defendant. If you are suing the federal government or one of its agencies, you must provide three more copies *in addition to* the copies for the named defendants.
- *Either* the \$400 filing fee *or* the forms used to request permission to proceed in forma pauperis. If you are requesting leave to proceed in forma pauperis, you must submit an original IFP petition and a copy for the judge.

If you wish to have a court-appointed attorney, you may file a motion for attorney assistance at the same time that you file the documents listed above. A copy of a form that can be used to request attorney assistance is included in the appendix. As with every document filed with the court, you must file an original and one copy of the motion for the judge.

A separate section of this guide covers the steps involved in filing a petition for leave to proceed in forma pauperis (see page 12). Another section deals with special procedures that you need to follow if you are filing an employment civil rights case (see page 13). In *this* section of the guide, assume that you can afford to pay the \$400 filing fee and that you are not filing a civil rights employment case.

The Complaint

In the space at the top right of the first page, enter “United States District Court.” On the line below that, enter “Northern District of Illinois.” In the top left of the first page of your complaint you should list the names of the parties in your case. Your name (the plaintiff) should appear first. On the next line, enter the letter “v.,” which is short for “versus” or “against”. List the names of the defendant or defendants below the “v.” You must list *all* of the parties. Each person should be identified as a plaintiff or a defendant. Underneath the party names and the name of the court, enter the word “Complaint” to identify your document.

The basic information that identifies the document is sometimes called the “caption.” An example of a caption is the following:

)	United States District Court
A. Smith,)	Northern District of Illinois
Plaintiff)	
)	
v.)	
)	
B. Jones,)	
Defendant)	

COMPLAINT

After the caption, write a description of your case. You should tell what happened to you and why you believe that the defendant is responsible for the damage or injury you experienced. You should tell why the court has jurisdiction over the case (“jurisdiction” is defined in the legal terms section of this guide). You must also state what you want the court to do, for example, the amount of money you are seeking from the defendant

If possible, you should write your complaint in the form of numbered paragraphs, with each paragraph covering a separate point of your case.

Your complaint is your side of the case and your version of events. It is important for you to be careful, complete, and as clear as possible in your complaint.

You must sign the complaint on the last page. Below your signature, you need to print your name and address.

What Happens When You Submit the Complaint.

You should complete the complaint, civil cover sheet, appearance form, summons, and any other documents you want to file *before* you arrive at the Clerk's Office to file your case. Bring your documents to the cashier's window, located in the northeast corner of the 20th floor of the Chicago courthouse. [NOTE: in the Western Division, bring documents to the Clerk's Office, located on the second floor of the Rockford courthouse].

When you present your documents, the cashier will review them to be sure that they appear to have been properly completed. The clerk will then assign the next available civil case number to your complaint. A computer program will be used to randomly pick a district judge for your case. A magistrate judge will also be designated for your case. You may stamp the case number and the district and magistrate judges' names on the original and copies at the time of filing.

If you have paid the filing fee and have summons, the cashier will issue an original and one copy for each defendant and will give them back to you for service.

If you are filing a petition for leave to proceed in forma pauperis, see the section below. In all other cases, it is your responsibility to ensure that the summons and a copy of the complaint are served on the defendant. However, *you may not serve the summons yourself*. Your options for serving the summons are the following:

- You can arrange for a private process server to serve the summons. The process server will file an affidavit with the court stating how the service was carried out. A summons may be served by anyone over the age of 18 who is not a party to the case.
- You can file a motion asking the Court to direct the U.S. Marshal to serve the summons, on the grounds that you cannot afford to prepay the cost of a process server.

- You can ask the defendant to waive the right to formal service. If you want to use this approach, you need to send the defendant a Notice of Lawsuit and Waiver of Service Form.

Service in a civil case must be carried out properly. The basic guidelines for service are described in Rule 4 of the Federal Rules of Civil Procedure. Failure to serve correctly may result in a case being dismissed. The text of Rule 4 has been included in the appendix to this guide.

Filing a Petition to Proceed In Forma Pauperis

If you are unable to pay the \$400. filing fee for a civil case, you may ask the court to let you proceed without paying the fee in advance. The Latin phrase used for proceeding in this way is “in forma pauperis.” Translated, this phrase means “in the status of a poor person.” This phrase is often shortened to “IFP.” Cases of this type are sometimes called IFP cases.

A separate document is used to ask permission to proceed in forma pauperis. The full name of this document is an “Application to Proceed Without Prepayment of Fees and Affidavit.” This document is almost always called by the shorter name of “IFP petition.”

A copy of a blank IFP petition is included in the Appendix. Blank IFP petitions may be obtained in the public area of the Clerk’s Office. If you want to proceed in forma pauperis, you need to submit a completed original IFP petition and a copy for the judge at the same time that you submit your complaint and associated documents.

If you file an IFP petition, you should provide the cashier with an original and one copy of the summons for each defendant at the time that you present your IFP petition. The summons will be kept with your file. If the judge grants your request to proceed in forma pauperis, the summons will issue. The IFP petition, the complaint, and any other documents you submitted along with the complaint will be sent to the assigned district judge. There are a number of possible results of this review. Some of the more common outcomes are the following:

- The judge may grant the IFP petition. If this happens, the summons will be issued. The judge may also direct the U.S. Marshal to serve the summons and complaint on the defendant.
- The judge may determine that you *can* afford the \$400 filing fee. If this happens, you will need to pay the filing fee—usually within a specified period of time—before your case can proceed and the summons is issued.

- The judge may require you to pay a part of the \$400 filing fee. If this happens, you must comply with the judge’s instructions within a specified time before your case proceeds.
- The judge may ask for more information from you before ruling on your IFP petition.
- The judge may also review your complaint and decide, on the basis of that review, that your case should be dismissed on legal grounds. If this happens, your case will not proceed.

Filing a Complaint of Employment Discrimination

The intake clerk will give you blank copies of the employment discrimination complaint form on request. A copy of this form has been included in the Appendix of this guide.

The remainder of this section tells you how to complete the employment discrimination complaint form. If you need additional room for your answer to any of the items on the form, you may enter the extra information on a plain piece of paper that is the same size as the employment discrimination form. If you add an extra page for one of the items in the form, write “see additional page” in the place on the form where you run out of room to write. On your additional page, write the number of the item and the word “continued” (For example, “Item 13 continued”).

Identifying the Parties

At the top of the form, write your name in the lined space above “(Name of the plaintiff or plaintiffs).” On the lines above “(Name of the defendant or defendants),” write the name of the party or parties you want to sue. If you need more space to list plaintiffs or defendants, use an extra sheet of paper, and indicate on the original form that the list of parties continues to another page. Be careful to identify each party as a plaintiff or defendant.

Numbered Items in the Employment Discrimination Complaint Form

- 1) This item simply identifies the complaint as a legal action involving a claim of employment discrimination. You do not need to write anything here.

- 2) Item 2) tells the court who you are. Complete this item by entering your name and the county and state where you live. If there are more than one plaintiffs, you need to add the counties and states where each plaintiff lives.
- 3) Item 3) identifies the defendant. Complete this item by entering the name, address, and (if available) the telephone number of each defendant. Please note that, in general, the defendant named in the complaint filed in this Court must be the same person or company that was named in the EEOC proceeding.
- 4) Item 4) identifies the place of business where you believe the employment discrimination happened. Complete this item by entering the address of the business.
- 5) Item 5) describes your employment relationship with the defendant at the time you are filing your complaint. Complete this item by putting an “X” or a “✓” in the box that describes your current status.
- 6) Item 6) indicates when you believe the employment discrimination occurred or—if you believe the discrimination is still going on—when the discrimination started. Complete this item by entering the date. If you do not know a specific date, complete item 6 by entering the date that is your best estimate of when the discrimination happened or started.
- 7) Item 7) indicates whether you have or have not previously taken your employment discrimination complaint to either the Equal Employment Opportunity Commission (EEOC) *or* the Illinois Department of Human Rights. Record your response by entering an “X” or a “✓” in the box labeled “has not” or the box labeled “has.”

If you indicated in 7)(a) that you *have* filed your complaint with the EEOC or the Illinois Department of Human Rights, complete items 7)(a)(i) or 7)(a)(ii) to indicate which of these agencies you have been before and the date you filed your complaint with them.

In item 7)(b), enter an “X” or a “✓” in the box labeled “Yes” or “No” to indicate whether you have attached a copy of the charge you brought before the EEOC and/or the Illinois Human Rights Commission.

- 8) If the EEOC has not issued you a document called a “Notice of Right to Sue,” enter an “X” or a “✓” in box 8)(a).

If the EEOC *has* issued you a “Notice of Right to Sue,” enter an “X” or a “✓” in box 8)(b). Complete the rest of item 8)(b) by entering the date on which you received the EEOC notice. Attach a copy of your “Notice of Right to Sue” to the complaint form.

- 9) Item 9) indicates the type of discrimination covered by your complaint. Read the list of discrimination types, then enter an “X” or a “✓” in the boxes or boxes that you believe apply to your situation.
- 10) If the defendant in your complaint is a state or local government agency *and* you are claiming discrimination on the basis of race, color, or national origin, complete item 10) by entering an “X” or a “✓” in the box labeled “YES.” For all other complaints, enter an “X” or a “✓” in the box labeled “NO.”
- 11) This item lists the laws that give the District Court jurisdiction over the case. You do not need to write anything here.
- 12) Use item 12) to indicate what action or actions you believe the defendant took that affected your employment. Read the list of six actions, then enter an “X” or a “✓” in the boxes or boxes that you believe apply to your situation. Note that this item 12)(f) allows additional space for you to write more if you believe that items 12)(a) through 12)(e) don’t apply to your complaint. Please note that a plaintiff is generally permitted to proceed in this Court *only* on claims that have been presented to the EEOC.
- 13.) Use item 13) to briefly describe the facts that lead you to believe that you have been discriminated against by the defendant.
- 14) Item 14) consists of specific language that is required in employment complaints that claim discrimination on the basis of age. You do not need to write anything here.
- 15) Use item 15) to indicate whether or not you want your case to be tried by a jury. If you want a trial by jury, enter an “X” or a “✓” in the box labeled “YES.” If you do not want to demand a jury trial, enter an “X” or a “✓” in the box labeled “NO.”
- 16) Use Item 16) to tell the Court what you want to happen as a result of your employment discrimination complaint. Read the list of kinds of relief, then enter an “X” or a “✓” in the boxes or boxes that indicate the result you want. Note that item 16)(f) allows additional space for you to write more if necessary.

Signature, Date, Name, and Address

You must sign the employment discrimination complaint. Do this on the last page of the form. You must also enter your name, address, and telephone number.

Completing the Civil Cover Sheet for an Employment Discrimination Complaint

(Guide to Civil Cases for Litigants Without Lawyers: Page 13)

The civil cover sheet is a form that you need to complete and submit along with your complaint. The civil cover sheet records basic information about your civil case. There are instructions on the reverse side of the civil cover sheet describing how the cover sheet should be completed. However, a brief summary for employment discrimination complaints may be helpful.

- Identifying the parties. Record the names of the parties in the spaces labeled “plaintiffs” and “defendants” at the top of the civil cover sheet.
- Basis of jurisdiction. Unless you are suing the federal government, enter an “X” or a “✓” in the box labeled “federal question.” If you are suing the federal government enter an “X” or a “✓” in the box labeled “U.S. Government Defendant.”
- In an employment discrimination case you do not need to enter anything in the section of the civil cover sheet labeled “Citizenship of Principal Parties.”
- In the section labeled “Origin,” enter an “X” or a “✓” in the box labeled “Original Proceeding.”
- In the part of the civil cover sheet section labeled “Nature of Suit,” find the section labeled “Civil Rights.” Next, enter an “X” or a “✓” in the box labeled “442 Employment.”
- In the section labeled “Cause of Action,” enter “complaint of employment discrimination.”
- In the part of the civil cover sheet labeled “Requested in Complaint,” find the section labeled “Demand \$.” If you are asking that the court order the defendant to pay you a specific amount of money, enter that amount next to “Demand \$.” If you are *not* requesting an award of money, enter “0” next to “Demand \$.”

In the same section of the civil cover sheet, enter the same information about your request for a jury trial that you entered in item 15) of your employment discrimination complaint form.

- Refiling a Previously Dismissed Case. If you have previously filed a complaint involving the same claim of discrimination by the same defendant, enter the name of the judge and the case number in the space provided in this section of the civil cover sheet.

- Date and signature. Record the date and sign the civil cover sheet in the space labeled “signature of attorney of record.”

Fees

The \$400 filing fee for a civil case has already been mentioned. Once a case has been filed, there are no additional fees for filing a document in that case. However, there are a series of other fees listed below that may affect the pro se litigant. Most of these fees are set by the Judicial Conference of the United States.

These fees may be paid by mail or in person at the Clerk’s Office cashier’s window, located in the northeast corner of the 20th Floor of the Dirksen Federal Courthouse. Payment may be made in cash, by check, or by credit card (only Visa, Mastercard, and American Express are accepted). If you pay by check, your check should be made out to “Clerk, U.S. District Court.” Your name, address, and phone number must appear on the front of your check.

Filing Fees

Civil Case Filing Fee	\$400.00
Habeas Corpus Filing Fee	\$5.00
Registration of a Foreign Judgment	\$46.00
Letters Rogatory or Letters of Request	\$46.00
U.S. Court of Appeals Docketing Fee	\$450.00
U.S. District Court Notice of Appeal	\$5.00
Misdemeanor Appeal (Magistrate Judge to District Judge)	\$37.00

Copy Services

Certification Fee (per document)	\$11.00
Exemplification Fee (per document)	\$21.00
Copy Fee (per page from paper record)	0.50
Electronic Copy Fee (per page from electronic record)	\$0.10
Copy of Magnetic Tape Recordings	\$30.00
Retrieving a Record From Off-Site Storage	\$53.00
Records Search & Certification (per name or item)	\$30.00

Miscellaneous Fees

Printed Copy of the Court’s Local Rules	\$10.50
Check Returned for Insufficient Funds	\$53.00

A Few Basic Procedures for Ongoing Civil Cases

E-Filing (Electronic Filing)

Most of the documents filed with the court are not filed in paper form, Instead, they are filed electronically. That is, the documents are produced in an electronic form and filed by attorneys over the internet. E-filing is mandatory for attorneys. It is *not* mandatory for pro se litigants. However, pro se litigants who have participated in the free e-filing training program offered at the Chicago courthouse may become e-filers in their own cases. Information on e-filing and the Court's training program may be found on the Court's website at www.ilnd.uscourts.gov.

Format Requirements

Local Rule 5.2(a) covers the format requirements for documents filed with the Court in paper form. A copy of Local Rule 5.2(a) has been included in the Appendix. Basically, the Court requires that the documents you file meet the following requirements:

- the document must be on paper that is 8½ by 11 inches in size, flat and unfolded;
- it must be typed or neatly handwritten;
- it must be bound at the top of the document; and
- it must be signed by you on the final page of the document, including your name, address, and telephone number. The document must bear your *original signature, not a photocopy of your signature.*

If you present a document for filing to the clerk that does not meet the format requirements set out in Local Rule 5.2(a), a deputy clerk may call your attention to the format problems. The clerk will not refuse to file your document on these grounds, but Rule 5.2 allows the judge to have your document stricken. Therefore, you should read Rule 5.2 and comply with the format requirements.

Document Length

The Court's Local Rules do not limit the length of your complaint. However, if you later file a brief in support of one of your own motions or a brief in response to a motion filed by the defendant, you need to be aware that Local Rule 7.1 sets a limit of 15 pages for documents of this type. If you want to file a brief that is longer than 15 pages, you

need to have the court's permission to do so. To do this, you need to file a separate motion requesting leave to file a brief in excess of 15 pages.

Filing Copies of Documents

Local Rule 5.2(c) requires you to file an extra copy for the judge of any pleading, motion, or other document you file, with the exception of exhibits or depositions.

Filing Motions

In an ongoing civil case you may need to ask the judge to instruct the defendant to do something connected to your case, or you may need to ask the judge to allow you to do something yourself. Examples would be asking the judge to direct the defendant to give you access to certain records during the discovery phase of your case, or asking the judge to grant you an extension of time to file a document. When you request the court to take a specific action, you do so by filing a motion.

Some of the Court's basic procedural rules for motions are contained in Local Rules 5.3 through 5.4 and Rule 78. Copies of these rules are included in the Appendix.

When you file a motion, you must provide a copy of the motion to the defendant and tell the defendant that you are filing the motion. If the defendant has an attorney, the copy of the motion and the notice can go to the attorney. This is called giving the defendant notice of your motion. You also must file a statement with the Court indicating that you have given the defendant the required notice.

If you do not want to appear personally before the judge concerning your motion, you may simply file an original and one copy of your motion with the clerk. Judges hold court sessions to address motions on different days of the week. If you want to appear before the judge in person to formally present your motion, you need to be aware of the judge's motion call, and select a date for presenting the motion that is consistent with the judge's motion practice. In other words, if the judge hears motions on Tuesday and Thursday, do not plan to appear on a Wednesday to present your motion.

Judges also vary in the number of days of advance notice they require for motions. Many require two days of advance notice. Some require more advance notice.

If you want to appear before the judge in person, the notice you give the defendant must specify the date, time, and courtroom where you will appear before the judge. Information on the number of days of advance notice and the standard motion practices of all judges can

be obtained from the Clerk's Office. Check this information *before* you get ready to file your motion.

The Clerk's Office

Mailing Address

The mailing addresses for the two divisions of the Clerk's Office are:

Eastern Division

Clerk's Office, U.S. District Court
219 South Dearborn
Chicago, Illinois 60604

Western Division

Clerk's Office, U.S. District Court
United States Courthouse
327 South Church Street
Rockford, Illinois 61101

Office Hours

The Clerk's Office is open to the public Monday through Friday, 8:30 a.m. through 4:30 p.m., except for legal holidays. The intake desk, cashier's window, and the area used to review case dockets and case files are all located in the northeast corner of the 20th floor of the courthouse in Chicago. In the Rockford courthouse, these areas are all located on the 2nd floor.

Reviewing Dockets

Several computer terminals are located in the public area of the 20th floor that allow the public to review automated dockets for civil and criminal cases. These dockets may also be used to check the Court's party index (a list of all parties in civil cases) and case index (a list of case numbers).

Reviewing Case Files

For documents that are received in paper form, case files may be reviewed by completing some files request card and giving the card to the files department desk in the public area of the 20th floor. A deputy clerk will bring you the case file. Case files may not be taken out of the Clerk's Office. If you want to make a copy of a document in the case file, you may use coin-operated photocopiers located in the public area (25¢ per page). The Clerk's Office will provide you with copies of documents for 50¢ per page.

The Court's Web Site

Information about procedures, the local rules, fees, as well as several other subjects covered in this guide may be found on the Court's internet web site. The web site also lists the activity scheduled before each judge for the coming week. The site also has links to several other judicial web sites. If you have access to the internet, the address of the Court's web site is <http://www.ilnd.uscourts.gov>.

Getting Legal Help

The Young Lawyers Section of the Chicago Bar Association and the Chicago Council of Lawyers have each produced legal guides that include lists of organizations and agencies that may be able to help pro se litigants. The Young Lawyers Section of the Chicago Bar Association has prepared a handbook on legal proceedings called "Your Guide to the Law: A Basic Legal Handbook for Chicagoans." This pamphlet contains a list of agencies and organizations that provide free or low-cost legal services. The Chicago Council of Lawyers and The Fund For Justice have prepared a "Legal Services Directory for Free and Low Cost Legal Services in the Chicago Metropolitan Area."

The groups listed below are drawn from the CBA and Chicago Council/Fund for Justice material. These groups provide legal services covering a wide variety of topics, including adoption, bankruptcy, criminal matters, divorce and related family matters, employment, immigration, landlord-tenant problems, probate and social security. Some of these services deal with topics that may fall within the jurisdiction of this Court. Since some of the agencies and organizations listed do not handle all types of legal matters, you should call or write the agency for specific information.

Access Living
115 West Chicago Ave
Chicago, Illinois 60654
(800) 613-8549 toll free v
oice
(888) 253-7003 tool free tty
www.accessliving.org

AIDS Legal Council of Chicago
180 North Michigan Ave Suite 2110
Chicago, Illinois 60601
(312) 427-8990
www.aidslegal.com

Cabrini-Green Legal Aid Clinic
740 North Milwaukee Ave.
Chicago, Illinois 60642
(312) 738-2452
www.cgla.net

Center for Disability and
Elder Law
79 W Monroe St. Suite 919
Chicago, Illinois 60603
(312) 376-1880
www.cdel.org

Chicago Lawyers' Committee
for Civil Rights Under Law
100 North LaSalle Street Suite 600
Chicago, Illinois 60602
(312) 630-9744
www.clccrul.org

Chicago Legal Clinic
www.clclaw.org

- 1) South Office
2938 E. 91st St
Chicago, Illinois 60617
(773) 731-1762
- 2) Austin Office
118 N. Central Ave.
Chicago, Illinois 60644
(773) 854-1610
- 3) Pilsen Office
1914 S. Ashland Ave.
Chicago, Illinois 60608
(773) 226-2669
- 4) Downtown Office
211 West Monroe Suite 750
Chicago, Illinois 60606
(312) 726-2938

Chicago Volunteer Legal Services
Foundation (CVLS)
100 N. LaSalle, Suite 900
Chicago, Illinois 60602
(312) 332-1624
www.cvls.org
(NOTE: CVLS has many legal clinics
throughout Chicago. Call for specific
locations.)

Equip for Equality, Inc.,

20 North Michigan Ave, Suite 300
Chicago, Illinois 60602
(312) 341-0022 or (800) 537-2632
www.equipforequality.org

Kent College of Law
Clinic: Advice Desk
565 W. Adams St. Suite 600
Chicago, Illinois 60661
(312) 906-5050
www.kentlaw.edu

John Marshal Law School
Fair Housing Legal Clinic
55 East Jackson Blvd. Suite 1020
Chicago, Illinois 60604
(312) 786-2267
www.jmls.edu/fairhousingcenter

Lawyers' Committee
For Better Housing
100 West Monroe Street
Chicago, Illinois 60603
(312) 347-7600
www.lcbh.org

Legal Assistance Metropolitan Chicago
120 South LaSalle Suite 900
Chicago, Illinois 60613
(312) 341-1070
www.lafchicago.org

Loyola University Community
Law Center
One E. Pearson Suite 202
Chicago, Illinois 60610
(312) 915-7830

Mandel Legal Aid Clinic
University of Chicago Law School
6020 South University Ave.

Chicago, Illinois 60637
(773) 702-9611

Mexican American Legal Defense and
Educational Fund

11 East Adams Suite 700
Chicago, Illinois 60603
(312) 427-0701
www.maldef.org

Northwestern University
Legal Assistance Clinic
357 E. Chicago Ave. Room 375
Chicago, Illinois 60611
(312) 503-8576
TDD (312) 503-4472

Prairie State Legal Services, Inc.
325 W. Washington St. Suite 100
Waukegan, Illinois 60085
(847) 662-6925
TDD (847) 662-4441
www.pslegal.org

Uptown People's Law Center
4413 North Sheridan Road
Chicago, Illinois 60640
(773) 769-1411

Referral Services

(The following organizations will refer
you to an attorney if you can afford to pay
for legal services)

American Civil Liberties Union
180 North Michigan Ave
Chicago, Illinois 60601
(312) 201-9740
www.aclu-il.org

Casa Central
Hispanic Social Service Agency

1401 North California
Chicago, Illinois 60622
(773) 782-8705
www.casacentral.org

Chicago Bar Association
321 S. Plymouth Court
Chicago, Illinois 60604
(312) 554-2001
www.chicagobar.org

Chicago Council of Lawyers
750 N. Lake Shore Drive
Chicago, Illinois 60611
(312) 988-6565
www.chicagocouncil.org

Cook County Bar Association
39 South LaSalle Street Suite 1117
Chicago, Illinois 60613
(312) 630 - 1157
www.cookcountybar.org

Dupage Lawyer Referral
126 South County Farm Rd.
Wheaton, Illinois 60187
(630) 653 - 9109
www.dcba.org

Hispanic Lawyers Association
of Illinois
321 South Plymouth Court Suite 600
Chicago, Illinois 60604
(312) 345-9200
www.hlai.org

Illinois National Employment
Lawyers' Association
www.nela-illinois.org (At this website, go
to "contact us" and fill out the potential
client interview form)

Lesbian & Gay Bar Association
of Chicago
3225 N. Sheffield Ave.
Chicago, Illinois 60657
(312) 334-1637

Mujeres Latinas En Accion
1823 W. 17th St.
Chicago, Illinois 60605
(312) 738 - 5351
www.mujereslatinasaccion.org

North Suburban Bar Association
825 Green Bay Road
Wilmette, Illinois 60092
(847) 564-4800
www.ilnsba.org

Northwest Suburban Bar Association
800 E. MW Highway #418
Palatine, Illinois 60074
(847) 221 - 2681
www.nwsba.org

South Suburban Bar Association
4849 167th Street
Oak Forest, Illinois 60452
(708) 633 - 9700
www.southsuburbanbar.org

West Suburban Bar Association
1317 South First Avenue
Maywood, Illinois 60153
(708) 338-2662

FEDERAL AGENCIES AND COURTS

Citizenship and Immigration Services	(800) 375 - 5283
101 West Congress Parkway	www.uscis.gov
Chicago, Illinois 60605	

Department of Health and Human Services
233 North Michigan Ave Suite 1300
Chicago, Illinois 60601
(312) 353 - 5160
www.hhs.gov

Department of Housing and Urban
Development
77 West Jackson Blvd. 26th Floor
Chicago, Illinois 60604
(312) 353-5680
www.hud.gov

Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210
(866) 4USADOL
www.usdol.gov

Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 514-2000
www.usdoj.gov

Department of Veterans Administration
2122 West Taylor Street
Chicago, Illinois 60612
(800) 827 - 1000
www.va.gov

Equal Employment Opportunity
Commission
500 West Madison Street Suite 2000
Chicago, Illinois 60661
(800) 889 - 4000
www.eeoc.gov

Federal Bureau of Investigation
Chicago Division

2111 West Roosevelt
Chicago, Illinois 60608
(312) 421 - 6700
www.chicago.fbi.gov

Social Security
77 West Jackson Blvd. Room 300
Chicago, Illinois 60604
(800) 772 - 1213
www.ssa.gov

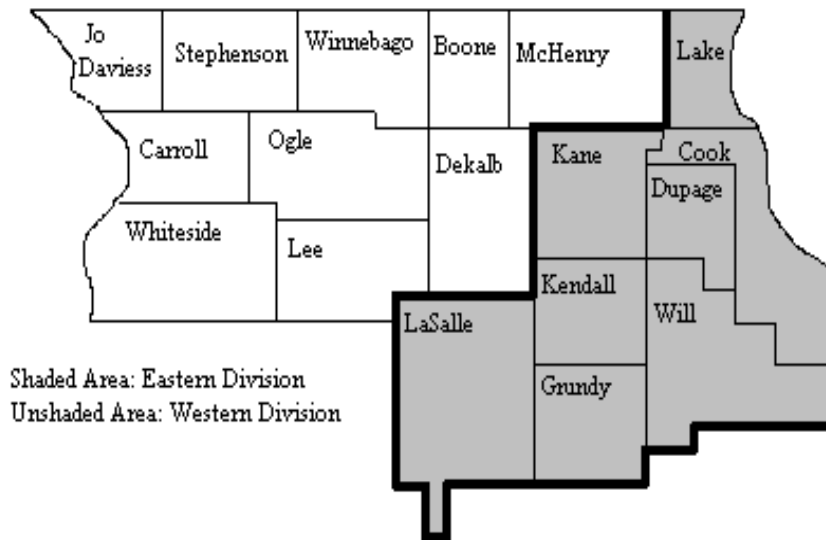
United States Bankruptcy Court for the
Northern District of Illinois
219 South Dearborn
Chicago, Illinois 60604
(312) 435-5694
www.ilnb.uscourts.gov
United States Court of Appeals
for the Seventh Circuit
219 South Dearborn Room 2722
Chicago, Illinois 60604
(312) 435 - 5850

United States District Court for the
Northern District of Illinois
219 South Dearborn
Chicago, Illinois
(312) 435 - 5670
www.ilnd.uscourts.gov

APPENDIX: SAMPLES OF FORMS AND LOCAL RULES

- **MAP OF THE NORTHERN DISTRICT OF ILLINOIS**
- **APPEARANCE FORM**
- **CIVIL COVER SHEET**
- **SUMMONS**
- **NOTICE OF LAWSUIT AND WAIVER OF SERVICE**
- **WAIVER OF SERVICE**
- **MOTION FOR ATTORNEY ASSISTANCE**
- **IN FORMA PAUPERIS PETITION**
- **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
- **COMPLAINT OF VIOLATION OF CONSTITUTIONAL RIGHTS**
- **NOTICE OF MOTION AND CERTIFICATE OF SERVICE**
- **USM FORM 285 (SERVICE OF PROCESS BY U.S. MARSHAL)**
- **LOCAL RULES 5.2 - 5.4**
- **LOCAL RULE 78**
- **RULE 4 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

THE NORTHERN DISTRICT OF ILLINOIS



**APPEARANCE FORM FOR PRO SE LITIGANTS
DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS**

Information entered on this form is required for any person filing a case in this court as a pro se party (that is, without an attorney).

NAME: _____
(Please print)

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE NUMBER: _____

CASE NUMBER: _____

Signature

Date

REQUEST TO RECEIVE NOTICE THROUGH E-MAIL

If you check the box below and provide an e-mail address in the space provided, you will receive notice via e-mail. By checking the box and providing an e-mail address, under Federal Rule of Civil Procedure 5(b)2(E) you are waiving your right to receive a paper copy of documents filed electronically in this case. You should not provide an e-mail address if you do not check it frequently.

I request to be sent notices from the court via e-mail. I understand that by making this request, I am waiving the right to receive a paper copy of any electronically filed document in this case. I understand that if my e-mail address changes I must promptly notify the Court in writing.

E-Mail Address

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

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
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 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 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	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <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"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <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"/> 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

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 (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. 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

IX. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

X. This case (check one box) Is not a refiling of a previously dismissed action is a refiling of case number _____ previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six 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. When the petition for removal is granted, check this box.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

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. Previous Bankruptcy Matters For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. 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.

IX. 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.

X. Refiling Information. Place an "X" in one of the two boxes indicating if the case is or is not a refiling of a previously dismissed action. If it is a refiling of a previously dismissed action, insert the case number and judge.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

ASSIGNED JUDGE:

DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

THOMAS G. BRUTON, CLERK

(By) DEPUTY CLERK

DATE

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____

- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____

- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Plaintiff(s))	
)	Case No: _____
v.)	
)	
)	Judge: _____
Defendant(s))	
)	

MOTION FOR ATTORNEY REPRESENTATION
(NOTE: Failure to complete all items may result in the denial of this motion.)

1. I, _____, declare that I am the (check appropriate box)
 plaintiff defendant in this case and that I am unable to afford the services of an attorney. I hereby ask the Court for an attorney to represent me in this case.

2. I declare that I have contacted the following attorneys/organizations seeking representation:
(NOTE: This item must be completed.)

but I have been unable to find an attorney because:

3. I declare that (check all that apply):
(Now:)
 I *am not* currently represented by an attorney requested by the Court in any federal criminal or civil case.
OR
 I *am* currently represented by an attorney requested by the Court in a federal criminal or civil case. The case is described on the back of this page.

- (Earlier:)
- I *have not* previously been represented by an attorney requested by the Court in any federal criminal or civil case.
OR
 I *have* previously been represented by an attorney requested by the Court in a federal criminal or civil case. The case is described on the back of this page.

4. I declare that (check one):
 I have attached an original Application for Leave to Proceed *In Forma Pauperis* detailing my financial status.

I have previously filed an Application for Leave to Proceed *In Forma Pauperis* in this case, and it is still true and correct.

I have previously filed an Application for Leave to Proceed *In Forma Pauperis* in this case. However, my financial status has changed and I have attached an Amended Application to Proceed *In Forma Pauperis* to reflect my current financial status.

5. I declare that my highest level of education is (check one):

Grammar school Some high school High school graduate

Some college College graduate Post-graduate

6. I declare that my ability to speak, write, and/or read English is limited because English is not my primary language. (Check **only** if applicable.)

7. I declare that this form and/or other documents in this case were prepared with the help of an attorney from the U.S. District Court *Pro Se* Assistance Program. (Check **only** if applicable.)

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

Movant's Signature

Street Address

Date

City, State, Zip

Other cases in which an attorney requested by this Court has represented me:

Case Name: _____	Case No.: _____
Attorney's Name: _____	The case is still pending: Yes ___ No ___
The appointment was limited to settlement assistance: Yes ___ No ___	
Case Name: _____	Case No.: _____
Attorney's Name: _____	The case is still pending: Yes ___ No ___
The appointment was limited to settlement assistance: Yes ___ No ___	
Case Name: _____	Case No.: _____
Attorney's Name: _____	The case is still pending: Yes ___ No ___
The appointment was limited to settlement assistance: Yes ___ No ___	

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

Plaintiff

v.

Defendant

}
} Civil Action No.
}

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: _____
(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within _____ days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

Signature of the attorney or unrepresented party

Printed name

Address

E-mail address

Telephone number

UNITED STATES DISTRICT COURT
for the
Northern District of Illinois

Plaintiff
v.

Defendant

} Civil Action No.

WAIVER OF THE SERVICE OF SUMMONS

To: _____
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

(full name of plaintiff or petitioner)

vs.

**APPLICATION TO PROCEED
WITHOUT PREPAYING FEES OR
COSTS / FINANCIAL AFFIDAVIT
(PRISONER CASES)**

Case number: _____

(full name of defendant(s) or respondent(s))

Instructions: Please answer every question. Do not leave blanks.
If the answer is "0" or "none," say so.

If you are in custody, you are subject to the Prison Litigation Reform Act ("PLRA"). The PLRA requires all pretrial detainees and prisoners to pay the filing fee. If you cannot pay the full filing fee at this time, you may seek leave to proceed *in forma pauperis*. A pretrial detainee or prisoner who proceeds *in forma pauperis* pays the full filing fee over time, with monthly installments taken from his or her trust fund account.

Application: I am the plaintiff / petitioner in this case. I believe that I am entitled to the relief I am requesting in this case. I am providing the following information under penalty of perjury in support of my request (check all that apply):

- to proceed *in forma pauperis* (IFP) (without prepaying fees or costs)
 to request an attorney

1. Are you in custody? Yes No

ID # _____ Name of jail or prison: _____

Do you receive any payment from this institution? Yes No

If "Yes," how much per month? \$ _____

2. Other sources of income / money: For the past 12 months, list the amount of money that you have received from any of the following sources:

(list the 12-month total for each)

Self-employment, business, or profession:	\$ _____
Income from interest or dividends:	\$ _____
Income from rent payments:	\$ _____
Pensions, annuities, or life insurance:	\$ _____
Disability or worker's compensation:	\$ _____
Gifts:	\$ _____
Deposits by others into your jail or prison account:	\$ _____
Unemployment, public assistance, or welfare:	\$ _____
Settlements or judgments:	\$ _____
Any other source of money:	\$ _____

3. Cash and bank accounts: Do you have any money in cash or in a checking or savings account? ___ Yes ___ No If yes, how much? _____
4. Other assets: Do you have an interest in any real estate (including your home), stocks, bonds, other securities, retirement plans, automobiles, jewelry, or other valuable property (not including ordinary household furnishings and clothing)? ___ Yes ___ No

If yes, list each item of property and state its approximate value:

5. Dependents: Is anyone dependent on you for support? ___ Yes ___ No

If yes, please list their names (for minor children, use only initials); relationship to you; and how much you and/or your spouse contribute toward their support each month:

6. Debts and financial obligations: List any amounts you owe to others:

Declaration: I declare under penalty of perjury that all of the information listed above is true and correct. I understand that a false statement may result in dismissal of my claims or other sanctions.

Date: _____

Applicant's signature

Printed name

NOTICE TO PRISONERS: In addition to the Certificate below, you must attach a print-out from the institution(s) where you have been in custody during the last twelve months showing all receipts, expenditures and balances in your prison or jail trust fund accounts during that period. Because the law requires information as to such accounts covering a full twelve months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account – prepared by each institution where you have been in custody during that twelve-month period. You must also have the Certificate below completed by an authorized officer at each institution.

**CERTIFICATE (Incarcerated applicants only)
(To be completed by the institution of incarceration)**

I certify that the applicant named above, _____, ID # _____, has the sum of \$ _____ on account to his/her credit at _____ (name of institution). I also certify that during the past twelve months, the applicant's average monthly deposit was \$ _____. (Add all deposits from all sources and then divide by the number of months.)

Date: _____

Signature of authorized officer

Printed name

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

(Name of the plaintiff or plaintiffs)
v.

(Name of the defendant or defendants)

CIVIL ACTION

NO. _____

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is _____ of the county of _____ in the state of _____.
3. The defendant is _____, whose street address is _____, (city) _____ (county) _____ (state) _____ (ZIP) _____ (Defendant's telephone number) (____) - _____
- II The plaintiff sought employment or was employed by the defendant at (street address) _____ (city) _____ (county) _____ (state) _____ (ZIP code) _____
5. The plaintiff [**check one box**]
 - (a) was denied employment by the defendant.
 - (b) was hired and is still employed by the defendant.
 - (c) was employed but is no longer employed by the defendant.
6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) _____, (day) _____, (year) _____.

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

has not has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) the United States Equal Employment Opportunity Commission, on or about (month)_____ (day)_____ (year)_____.

(ii) the Illinois Department of Human Rights, on or about (month)_____ (day)_____ (year)_____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. YES. NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

Yes (month)_____ (day)_____ (year) _____

No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month)_____ (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

YES NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

YES NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) _____ (day) _____ (year) _____ a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

- (a) Age (Age Discrimination Employment Act).
- (b) Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) Religion (Title VII of the Civil Rights Act of 1964)
- (g) Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [***check only those that apply***]

- (a) failed to hire the plaintiff.
- (b) terminated the plaintiff's employment.
- (c) failed to promote the plaintiff.
- (d) failed to reasonably accommodate the plaintiff's religion.
- (e) failed to reasonably accommodate the plaintiff's disabilities.
- (f) failed to stop harassment;
- (g) retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. YES NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [**check only those that apply**]

- (a) Direct the defendant to hire the plaintiff.
- (b) Direct the defendant to re-employ the plaintiff.
- (c) Direct the defendant to promote the plaintiff.
- (d) Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) Direct the defendant to (specify): _____

- (g) If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) Grant such other relief as the Court may find appropriate.

Plaintiff's signature

Plaintiff's name

Plaintiff's street address _____

City _____ State _____ ZIP _____

Plaintiff's telephone number _____

Date: _____

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

	}	
	}	
Plaintiff(s),	}	
vs.	}	Case No.
	}	
	}	
Defendant(s).	}	

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to “plaintiff” and “defendant” are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

- This is a claim for violation of plaintiff’s civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
- The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
- Plaintiff’s full name is _____.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, _____, is
(name, badge number if known)

an officer or official employed by _____;
(department or agency of government) or

an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is _____. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about _____, at approximately _____ a.m. p.m.
(month, day, year)
plaintiff was present in the municipality (or unincorporated area) of

_____, in the County of _____,
State of Illinois, at _____,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (*Place X in each box that applies*):

- arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- searched plaintiff or his property without a warrant and without reasonable cause;
- used excessive force upon plaintiff;
- failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- failed to provide plaintiff with needed medical care;
- conspired together to violate one or more of plaintiff's civil rights;
- Other:

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): _____

8. Plaintiff was charged with one or more crimes, specifically:

9. *(Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other")* **The criminal proceedings**

- are still pending.
- were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹
- Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

Other: _____

10. Plaintiff further alleges as follows: (Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

13. Plaintiff asks that the case be tried by a jury. Yes No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;**
- B. (*Place X in box if you are seeking punitive damages.*) Punitive damages against the individual defendant; and**
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.**

Plaintiff's signature: _____

Plaintiff's name (*print clearly or type*): _____

Plaintiff's mailing

address: _____

City _____ **State** _____ **ZIP** _____

Plaintiff's telephone number: () _____.

Plaintiff's email address (*if you prefer to be contacted by email*): _____

15. Plaintiff has previously filed a case in this district. Yes No

If yes, please list the cases below.

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Plaintiff

v.

Defendant

Case Number:

Judge:

NOTICE OF MOTION

TO:

PLEASE TAKE NOTICE that on _____ at _____, or as soon thereafter as I may be heard, I shall appear before the Honorable Judge

_____ or any judge sitting in his or her stead in Courtroom _____ of the U.S. District Court of the Northern District of Illinois, Eastern Division, 219 South Dearborn St., Chicago, Illinois and shall present the following motion attached hereto:

CERTIFICATE OF SERVICE

I hereby certify that on _____, I provided service to the person or persons listed above by the following means:

Signature: _____

Date: _____

Name (Print): _____

Address: _____

Phone: _____

LR5.2. Form of Documents Filed

(a) **Electronic Filing Permitted.** The court will accept for filing documents submitted, signed, or verified by electronic means that comply with procedures established by the court as set forth in the General Order on Electronic Case Filing or other similar order.

Where a document is submitted in an electronic format pursuant to procedures established by the court, submitted in both electronic and paper formats, or submitted in paper and subsequently produced in an electronic format by Court staff, the electronic version shall be the court's official record. Where a document is submitted in paper format without an electronic version being produced, the paper version shall be the court's official record. Where the electronic version of a document is a redacted version of an unredacted paper document, the unredacted paper version shall be the court's official record

(b) **Redaction of Transcripts Filed Electronically.** If a party or an attorney for a party files a written request to redact specific portions of a transcript pursuant to either Federal Rule of Civil Procedure 5.2 or Federal Rule of Criminal Procedure 49.1, the court reporter is ordered by the Court to make that redaction. Any other redaction request must be made by motion to the court

(c) **Paper and Font Size.** Each paper original filed and each paper judge's copy shall be flat and unfolded on opaque, unglazed, white paper 8½ x 11 inches in size. It shall be plainly written, typed, printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it.

Where the document is typed, line spacing will be at least 2.0 lines. Where it is typed or printed,

(1) the size of the type in the body of the text shall be 12 points and that in footnotes, no less than 11 points, and

(2) the margins, left-hand, right-hand, top, and bottom, shall each be a minimum of 1 inch.

(d) **Binding and Tabs.** Each paper original shall be bound or secured at the top edge of the document by a staple or a removable metal paper fastener inserted through two holes. A paper original shall not have a front or back cover. A paper original shall not have protruding tabs. Exhibits or tabs that are part of the paper original shall be indicated in bold type on a single sheet of paper placed immediately before the corresponding exhibit or attachment. Unless not reasonably feasible, exhibits to paper originals shall be 8½ x 11 inches in size. A judge's paper copy shall be bound on the left side and shall include protruding tabs for exhibits. A list of exhibits must be provided for each document that contains more than one exhibit.

(e) Documents Not Complying May be Stricken. Any document that does not comply with this rule shall be filed subject to being stricken by the court.

(f) Judge's Copy. Each person or party filing a paper version of a pleading, motion, or document, other than an appearance form, motion to appear *pro hac vice*, or return of service, shall file in addition to the original a copy for use by the court. Where a filing is made electronically of a pleading, motion, or document other than an appearance form or return of service, a paper copy shall be provided for the judge within one business day, unless the judge determines that a paper copy is not required. Every judge's paper copy must be bound and tabbed as required by subsection (d)

[NOTE: Rule 5.2 was amended by General Orders on: December 20, 2004, April 20, 2006, September 23, 2008, June 24, 2009, February 4, 2010]

LR5.3. Notice of Motions and Objections

(a) SERVICE. Except in the case of an emergency or unless otherwise ordered, written notice of the intent to present a motion, or an objection to a magistrate judge's order or report under F. R.Civ.P. 72, specifying the date on which the motion or objection is to be presented, a copy of the motion or objection and any accompanying documents must be served as follows:

(1) *Personal service.* Personal service must be accomplished no later than 4:00 p.m. of the second business day preceding the date of presentment. Personal service shall include actual delivery within the time specified by this section by a service organization providing for delivery within a specified time (e.g., overnight service) or by electronic transmission pursuant to F. R.Civ.P. 5(b)(2)(D) and 5(b)(3).

(2) *Mail service.* Where the service is by mail, the notice and documents shall be mailed at least seven days before the date of presentment. *Ex parte* motions and agreed motions or objections may be presented without notice.

(b) PRESENTMENT. Every motion or objection shall be accompanied by a notice of presentment specifying the date and time on which, and judge before whom, the motion or objection is to be presented. The date of presentment shall be not more than 14 days following the date on which the motion or objection is delivered to the court pursuant to LR78.1. [NOTE: Rule 5.3 was amended by General Order of October 2, 2002, by General Order of March 27, 2003, and by General Order of November 19, 2009]

LR5.4. Motions: Filing Notice & Motion

Filing of papers shall be with the clerk unless a particular judge has provided for filing in the judge's chambers. The clerk shall maintain a list of the delivery requirements of each judge and post a copy in a public area of the clerk's office.

Where a motion is delivered to the clerk that does not comply with the scheduling requirements established by the judge pursuant to LR78.1 or is scheduled before a judge who, pursuant to this rule, has directed that the motions are to be delivered to the minute clerk assigned to the judge or to the judge's chambers, the clerk shall inform the person offering the motion of the correct procedure. If the person insists on delivering it to the clerk, the clerk shall accept it and attach to it a note indicating that the person delivering it was advised of the scheduling or delivery requirements.

LOCAL RULE 5.3. Motions: Notice of Motions and Objections

a) Service. Except in the case of an emergency or unless otherwise ordered, written notice of the intent to present a motion, or an objection to a magistrate judge's order or report under F. R.Civ.P. 72, specifying the date on which the motion or objection is to be presented, a copy of the motion or objection and any accompanying documents must be served as follows:

(1) *Personal service.* Personal service must be accomplished no later than 4:00 p.m. of the second business day preceding the date of presentment. Personal service shall include actual delivery within the time specified by this section by a service organization providing for delivery within a specified time (e.g., overnight service) or by electronic transmission pursuant to F. R.Civ.P. 5(b)(2)(D) and 5(b)(3).

(2) *Mail service.* Where the service is by mail, the notice and documents shall be mailed at least five business days before the date of presentment.

Ex parte motions and agreed motions or objections may be presented without notice.

(b) Presentment. Every motion or objection shall be accompanied by a notice of presentment specifying the date and time on which, and judge before whom, the motion or objection is to be presented. The date of presentment shall be not more than 10 business days following the date on which the motion or objection is delivered to the court pursuant to LR78.1.

LR78.1. Motions: Filing in Advance of Hearing

Except where a judge fixes a different time in accordance with this rule, the original of any motion shall be filed by 4:30 p.m. of the *second* business day preceding the date of presentment.

A judge may fix a time for delivery longer than that provided by this rule, or elect to hear motions less frequently than daily, or both. In those instances where a judge elects to fix a longer delivery time, or hear motions less frequently than daily, or both, the judge shall notify the clerk in writing of the practice to be adopted. The clerk shall maintain a list of the current motion practices of each of the judges at the assignment desk. (Amended 10/13/04)

LR78.2. Motions: Denial for Failure to Prosecute

Where the moving party, or if the party is represented by counsel, counsel for the moving party, delivers a motion or objection to a magistrate judge's order or report without the notice required by LR5.3(b) and fails to serve notice of a date of presentment within 14 days of delivering the copy of the motion or objection to the court as provided by LR5.4, the court may on its own initiative deny the motion or objection. (Amended 2/28/2007)

LR78.3. Motions: Briefing Schedules; Oral Arguments; Failure to File Brief

The court may set a briefing schedule. Oral argument may be allowed in the court's discretion. Failure to file a supporting or answering memorandum shall not be deemed to be a waiver of the motion or a withdrawal of opposition thereto, but the court on its own motion or that of a party may strike the motion or grant the same without further hearing. Failure to file a reply memorandum within the requisite time shall be deemed a waiver of the right to file.

LR78.4. Motions: Copies of Evidentiary Matter to be Served

Where evidentiary matter, in addition to affidavits permitted or required under Rules 5 or 6 of the Federal Rules of Civil Procedure, will be submitted in support of a motion, copies thereof shall be served with the notice of motion.

LR78.5. Motions: Request for Decision; Request for Status Report

Any party may on notice provided for by LR5.3 call a motion to the attention of the court for decision.

Any party may also request the clerk to report on the status of any motion on file for at least seven months without a ruling or on file and fully briefed for at least sixty days. Such requests will be in writing. On receipt of a request the clerk will promptly verify that the motion is pending and meets the criteria fixed by this section. If it is not pending or does not meet the criteria, the

clerk will so notify the person making the request. If it is pending and does meet the criteria, the clerk will thereupon notify the judge before whom the motion is pending that a request has been received for a status report on the motion. The clerk will not disclose the name of the requesting party to the judge. If the judge provides information on the status of the motion, the clerk will notify all parties. If the judge does not provide any information within ten days of the clerk's notice to the judge, the clerk will notify all parties that the motion is pending and that it has been called to the judge's attention.

FEDERAL RULES OF CIVIL PROCEDURE

RULE 4. SUMMONS

(a) CONTENTS; AMENDMENTS.

(1) *Contents.* A summons must:

- (A) name the court and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or if unrepresented of the plaintiff;
- (D) state the time within which the defendant must appear and defend;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk; and
- (G) bear the court's seal.

(2) *Amendments.* The court may permit a summons to be amended.

(b) **ISSUANCE.** On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons or a copy of a summons that is addressed to multiple defendants must be issued for each defendant to be served.

(c) SERVICE.

(1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) *By a Marshal or Someone Specially Appointed.* At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. 1915 or as a seaman under 28 U.S.C. 1916.

(d) WAIVING SERVICE.

(1) *Requesting a Waiver.* An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

- (A) be in writing and be addressed:
 - (i) to the individual defendant; or
 - (ii) for a defendant subject to service under Rule 4(h), to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process;
- (B) name the court where the complaint was filed;
- (C) be accompanied by a copy of the complaint, 2 copies of a waiver form, and a prepaid means for returning the form;
- (D) inform the defendant, using text prescribed in Form 5, of the consequences of waiving and not waiving service;
- (E) state the date when the request is sent;
- (F) give the defendant a reasonable time of at least 30 days after the request was sent or at least 60 days if sent to the defendant outside any judicial district of the United States to return the waiver; and
- (G) be sent by first-class mail or other reliable means.

(2) *Failure to Waive.* If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

- (A) the expenses later incurred in making service; and
- (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

(3) *Time to Answer After a Waiver.* A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent or until 90 days after it was sent to the defendant outside any judicial district of the United States.

(4) *Results of Filing a Waiver.* When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(5) *Jurisdiction and Venue Not Waived.* Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

(e) SERVING AN INDIVIDUAL WITHIN A JUDICIAL DISTRICT OF THE UNITED STATES.

Unless federal law provides otherwise, an individual other than a minor, an incompetent person, or a person whose waiver has been filed may be served in a judicial district of the United States by:

(1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or

(2) doing any of the following:

(A) delivering a copy of the summons and of the complaint to the individual personally;

(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

(f) SERVING AN INDIVIDUAL IN A FOREIGN COUNTRY. Unless federal law provides otherwise, an individual other than a minor, an incompetent person, or a person whose waiver has been filed may be served at a place not within any judicial district of the United States:

(1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

(A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(B) as the foreign authority directs in response to a letter rogatory or letter of request; or

(C) unless prohibited by the foreign country's law, by:

(i) delivering a copy of the summons and of the complaint to the individual personally; or

(ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or

(3) by other means not prohibited by international agreement, as the court orders.

(g) SERVING A MINOR OR AN INCOMPETENT PERSON. A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made.

A minor or an incompetent person who is not within any judicial district of the United States must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).

(h) SERVING A CORPORATION, PARTNERSHIP, OR ASSOCIATION. Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) in a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and 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; or

(2) at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(I).

(i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORATIONS, OFFICERS, OR EMPLOYEES.

(1) *United States.* To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) *Agency; Corporation; Officer or Employee Sued in an Official Capacity.* To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) *Officer or Employee Sued Individually.* To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) *Extending Time.* The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or

(B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee.

(j) SERVING A FOREIGN, STATE, OR LOCAL GOVERNMENT.

(1) *Foreign State.* A foreign state or its political subdivision, agency, or instrumentality must be served in accordance with 28 U.S.C. 1608.

(2) *State or Local Government.* A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

(k) TERRITORIAL LIMITS OF EFFECTIVE SERVICE.

(1) *In General*. Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:

(A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;

(B) who is a party joined under Rule 14 or 19 and is served within a judicial district of the United States and not more than 100 miles from where the summons was issued; or

(C) when authorized by a federal statute.

(2) *Federal Claim Outside State-Court Jurisdiction*. For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:

(A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

(B) exercising jurisdiction is consistent with the United States Constitution and laws.

(I) PROVING SERVICE.

(1) *Affidavit Required*. Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.

(2) *Service Outside the United States*. Service not within any judicial district of the United States must be proved as follows:

(A) if made under Rule 4(f)(1), as provided in the applicable treaty or convention;
or

(B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) *Validity of Service; Amending Proof*. Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

(m) TIME LIMIT FOR SERVICE. If a defendant is not served within 120 days after the complaint is filed, the court on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

(n) ASSERTING JURISDICTION OVER PROPERTY OR ASSETS.

(1) *Federal Law.* The court may assert jurisdiction over property if authorized by a federal statute. Notice to claimants of the property must be given as provided in the statute or by serving a summons under this rule.

(2) *State Law.* On a showing that personal jurisdiction over a defendant cannot be obtained in the district where the action is brought by reasonable efforts to serve a summons under this rule, the court may assert jurisdiction over the defendant's assets found in the district. Jurisdiction is acquired by seizing the assets under the circumstances and in the manner provided by state law in that district.

(As amended Jan. 21, 1963, eff. July 1, 1963; Feb. 28, 1966, eff. July 1, 1966; Apr. 29, 1980, eff. Aug. 1, 1980; Jan. 12, 1983, eff. Feb. 26, 1983; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 17, 2000, eff. Dec. 1, 2000; Apr. 30, 2007, eff. Dec. 1, 2007.)

Summary of Instructions for Filing a Civil Case

Document	General Information	Number of Copies Required
<p>Complaint</p>	<p>List all plaintiffs and defendants in the caption the top left of the complaint. State your case in your own words, using additional pages if you need them. Your signature, address, and telephone number must appear on the last page of your complaint. Exhibits may be attached to your complaint.</p>	<p>You must provide an original, 1 copy for the assigned judge, and 1 copy for <i>each</i> defendant named in your complaint. If you are suing the federal government or one of its agencies, you need to provide 3 extra copies.</p>
<p>Civil Cover Sheet (JS-44)</p> <p>This is a form used by the Court in preparing the docket for your case.</p>	<p>Instructions for completing this form appear on the reverse side of the JS-44.</p>	<p>Only the original is required.</p>
<p>Appearance</p> <p>The appearance form is used to designate who will be acting as the attorney for a party.</p>	<p>If you do not have an attorney and will be proceeding without counsel, fill in the appearance form in accordance with the instructions found on the reverse side of the form, supplying your name and address. Add the words “pro se” next to your name.</p>	<p>Only the original is required.</p>
<p>Filing fees</p>	<p>There is a fee of \$400 for the filing of a civil case other than a writ of habeas corpus. If you are unable to afford the fee, see the information below about in forma pauperis petitions.</p>	<p>NA</p>

<p>In Forma Pauperis Petition</p> <p>This petition is used by a plaintiff who requests approval by the court for a civil case to proceed without the prepayment of the filing fee.</p>	<p>Complete all appropriate sections of the petition, sign and date.</p>	<p>You must provide an original and 1 copy for the assigned judge.</p>
<p>Motion for Attorney Representation</p> <p>This motion is a request that the court appoint an attorney.</p>	<p>Complete the motion form in accordance with the instructions attached to the form.</p>	<p>You must provide an original and 1 copy for the assigned judge.</p>
<p>Summons</p>	<p>Complete the original and one copy for service to each defendant. Your own name and address should appear under the heading labeled “Plaintiff’s Attorney.”</p>	<p>You must provide an original and 1 copy for <i>each</i> defendant named in your complaint. If you are suing the federal government or one of its agencies, you need to provide 3 extra copies.</p>