

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO
Juvenile Division

Plaintiff/Petitioner

Case Number: _____

Judge: _____

Defendant/Respondent

Magistrate: _____

RULE 4(D) AND 4.7 NOTICE OF LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS

To: _____
Name of Defendant/Respondent

WHY ARE YOU GETTING THIS?

A lawsuit has been filed against you, or the entity you represent, in this court under the case 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 possible expenses, you must return the signed waiver within;

28 days (if within the United States) or **60 days (if outside of the United States)**

from the date shown below, which is the date this notice was sent to you. 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 for your records.

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 upon you and you will have sixty (60) days from the date this notice was sent to you (see below sent date) to answer the complaint (or ninety (90) days if this notice was sent to you outside 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 upon you and will ask the court to require you, or the entity that 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 shown below.

Date sent: _____

Email: _____

Signature of Attorney or Unrepresented Party: _____

Printed Name: _____

Telephone: _____

Address: _____

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO
Juvenile Division

Plaintiff/Petitioner	Case Number: _____
Defendant/Respondent	Judge: _____
	Magistrate: _____

RULE 4(D) AND 4.7 WAIVER OF SERVICE OF SUMMONS (WAIVER FORM)

To: _____
Name of Plaintiff/Petitioner's Attorney or Unrepresented Plaintiff/Petitioner

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

I understand that I, or the entity that I represent, will keep all available defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objection 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 sixty (60) days from _____, the date when this request was sent to me (or ninety (90) days if it was sent to me outside of the United States.) If I fail to do so, a default judgment could be entered against me or the entity that I represent.

Date sent: _____

Email: _____

Signature of Attorney or Unrepresented Party: _____

Printed Name: _____ Telephone: _____

Address: _____

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DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS

The Ohio Rules of Civil Procedure Rule 4.7 requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is subject to the court's personal jurisdiction and who fails to return a signed waiver of service requested by a plaintiff may 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.