

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2023 OCT 18 PM 1:24

JEREMY R. COLWELL
CLERK

BY _____ DEP. CLK

Civil Action No. 23-CV-01115-SBP
(To be supplied by the court)

DONNA K. Curlin, Plaintiff

v.

Jury Trial requested:
(please check one)

☒ Yes ☐ No

(SER SCSEP)

SER National Jobs for

Progress

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

DONNA K. Curlin 3985 N. Cook St. Denver, CO 80205
(Name and complete mailing address)

(303) 807-8915 sistergirrfoundation@gmail.com
(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

SER JOBS for Progress National INC
Defendant 1: 7220 W. Jefferson Ave #123 Lakewood, CO 80235
(Name and complete mailing address)

(303) 462-1725
(Telephone number and e-mail address if known)

Defendant 2: _____
(Name and complete mailing address)

(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check all that apply)

☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq.
(employment discrimination on the basis of race, color, religion, sex, or national origin)

☐ Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (employment discrimination on the basis of a disability)

☐ Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621, et seq.
(employment discrimination on the basis of age)

☒ Other: (please specify) Retaliation

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: _____

The conduct complained of in this claim involves the following: *(check all that apply)*

<input type="checkbox"/> failure to hire	<input checked="" type="checkbox"/> different terms and conditions of employment
<input type="checkbox"/> failure to promote	<input type="checkbox"/> failure to accommodate disability
<input checked="" type="checkbox"/> termination of employment	<input type="checkbox"/> retaliation
<input type="checkbox"/> other: <i>(please specify)</i> _____	

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

<input checked="" type="checkbox"/> race	<input type="checkbox"/> religion	<input type="checkbox"/> national origin	<input type="checkbox"/> age
<input type="checkbox"/> color	<input type="checkbox"/> sex	<input type="checkbox"/> disability	

Supporting facts:

D. STATEMENT OF CLAIMS

CLAIM ONE: Race Discrimination (Title VII of the Civil Rights Act of 1964, as amended)

The conduct complained of in this claim involves the following:

☒ different terms and conditions of employment

☒ termination of employment

Defendant's conduct was discriminatory because it was based on the following:

☒ race

Supporting facts:

1. I am an African American woman.
2. SER hired me in June 2017 as a trainee.
3. I remained in this role until I was terminated on July 2, 2021.
4. Throughout my employment, I performed the duties of my position satisfactorily or better.
5. I had two supervisors, Josefina [insert last name] and Fredelina [insert last name], who gave me positive feedback. They evaluated and recertified me for the position every six months without issue.
6. In 2018, SER placed me at Metro Caring for my position.
7. I received excellent feedback about my performance from my co-workers and the employees at Metro Caring.
8. In March 2021, Ms. Sonya Lopez became my supervisor.
9. Immediately upon becoming my supervisor, Ms. Lopez began to treat me poorly.
10. For example, I was required to submit job searches on a regular basis. She questioned whether the job searches that I submitted were legitimate and she demanded that I provide her with the names and numbers of prospective employers to whom I had submitted applications to verify that I had actually applied for the positions.
11. My job searches had never been questioned by my previous two supervisors and Ms. Lopez had no reason to believe that I was lying about my submissions.
12. Ms. Lopez also had a SER staff member call my aunt, who I had listed as an emergency contact for SER, and say that the person was calling for a job reference and ask if my aunt was really my aunt.
13. I worked with five to ten other SER employees at Metro Caring who also expressed that they were having issues with Ms. Lopez questioning them and scrutinizing their performance.
14. On June 24, 2021, Ms. Lopez demanded that I show her four years of tax returns and 18 months of bank statements even though I had never had to provide those before and that information was not part of my eligibility for the program. She said that this information was required for my next six-month re-certification and that, if I did not provide her with this information, I would be terminated. SER had never required that I provide tax returns

- or bank records to be recertified previously (and I had just been recertified on March 3, 2021 without having to submit that information).
15. Ms. Lopez demanded that I meet with her in person on June 28, 2021.
 16. I brought my tax returns and bank statements with me and showed them to Ms. Lopez and she questioned me about certain transactions.
 17. During that meeting on June 28, 2021, she pulled out a report that she had obtained from a website called Buzzfile about me. The information in the report was personal and unrelated to my employment, including the value and size of my house and the racial make-up of my neighborhood.
 18. Based on information that Ms. Lopez had allegedly discovered in the Buzzfile report, she accused me of owning a business and making \$56,000 a year and having three employees, which would have been a violation of my eligibility for my position with SER.
 19. I responded that the information that she had was incorrect. Although I had registered a business years prior to working for SER, it was so that I could do some grant writing, it was now inactive, and I had not made any money from that business since my employment with SER.
 20. Ms. Lopez did not believe me.
 21. She then asked that I give her copies of my tax returns and bank statements and I refused, stating that I was concerned about the possibility of identity theft and that I was unclear as to why she needed copies and what she was planning to do with the information.
 22. I also expressed concern that she was racially profiling me and treating me differently because of my race.
 23. She ended the meeting by saying that she would have "to check" with her supervisor because I was being uncooperative.
 24. On July 5 or 6, I emailed Ms. Lopez to ask her what was going on and she responded that she had fired me on July 2.
 25. That same week, I learned that SER had terminated between five and ten other African-American SER employees who were placed at Metro Caring.
 26. SER replaced us with non-African-American employees.

CLAIM TWO: Race Discrimination (42 U.S.C. § 1981)

The conduct complained of in this claim involves the following:

- ☒ different terms and conditions of employment
- ☒ termination of employment
- ☒ retaliation

Defendant's conduct was discriminatory because it was based on the following:

- ☒ race

Supporting facts: See ¶¶ 1-24.

CLAIM THREE: Disability Discrimination (Americans with Disabilities Act of 1990 as amended)

The conduct complained of in this claim involves the following:

☒ different terms and conditions of employment

☒ termination of employment

☒ retaliation

Defendant's conduct was discriminatory because it was based on the following:

☒ disability

Supporting facts: See ¶¶ 1-24

27. I have impairments that substantially limit one or more major life activities, including: a physical impairment (paralysis on the left side of my body from a car accident) that substantially limits my ability to bend, stand, sit, and walk and a mental impairment (brain fog from years of chemotherapy treatment) that substantially limits my ability to concentrate and think.
28. I disclosed these conditions to SER and to Ms. Lopez in particular.
29. Regarding my mental impairment, I disclosed to Ms. Lopez that I sometimes suffer from "chemo brain" because of treatment that I have received over the years for cancer. I explained that this sometimes causes me memory lapses and difficulty with processing math.
30. During the meeting on June 28, Ms. Lopez accused me of being "untrainable" and inferred that this was because of my disabilities.

CLAIM FOUR: Retaliation (Title VII of the Civil Rights Act of 1964, as amended)

The conduct complained of in this claim involves the following:

☒ termination of employment

☒ retaliation

Defendant's conduct was discriminatory because it was based on the following:

None

Supporting facts: See ¶¶ 1-24

31. SER terminated me less than a week after I complained to Ms. Lopez that she was racially profiling me and treating me differently because of my race.

CLAIM FIVE: Retaliation (42 U.S.C. § 1981)

The conduct complained of in this claim involves the following:

☒ termination of employment

☒ retaliation

Defendant's conduct was discriminatory because it was based on the following:

☐ None

Supporting facts: See ¶¶ 1-24, 31

E. ADMINISTRATIVE PROCEDURES

Did you file a charge of discrimination against defendant(s) with the Equal Employment Opportunity Commission or any other federal or state agency? (*check one*)

☒ Yes (*You must attach a copy of the administrative charge to this complaint*)

☐ No

Have you received a notice of right to sue? (*check one*)

☒ Yes (*You must attach a copy of the notice of right to sue to this complaint*)

☐ No

F. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF." \$ 750,000.00

G. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


(Plaintiff's signature)

10-18-2023
(Date)

(Revised February 2022)

commence legal proceedings in order to secure Punitive /Compensatory damages, I will submit this as well as other corenspondance as evidence of SER's failure to attempt to resolve this matter. Further, SER may be liable for any court cost, damages including punitive damages.

The Demand for payment/mediation request is as follows in the amount of \$ 750,000.00 USD (the "Debt/Award") that relates to, false information ,slander, dicrimination, racial profiling, invasion of privacy, mental anguish, long term physical pain and suffering,, continuous harassment. This form of business practice should not be allowed to effect anyone else ever again. What has the RACE percentile in my neighborhood have to do with my employment?

Back pay: (at current Colorado minimum wage) $\$17.29 \times 30 \text{ (hours wk)} = \518.70×4
 $= \$2,074.80 \times 17 \text{ (months left on contract)} = \$35,271.60$

Front pay: $\$17.29 \times 30 \text{ (hr week)} = 518.70 \times 4 = \$2,074.80 \times 6 \text{ (months to find employment)} =$
 $\$12,448.80$

Compensatory Damages: Mental anguish, long term pain and suffering forced to take jobs that effected my life style and mental health, forclosure procedings started. \$234,093.20

Punitive Damages: SER is a private contactor of the Department of Labor with a substantial compensation and has violated the Labor Lawsb and should not be aloud to engage in the same or simular wrongful conduct. \$234,093.20

Miscellaneous: Continous harrasment, SER continue till present day to send me by email mandtory and other traings including two o how to start and run your OWN business, which is what I was terminated for with no explanation on what launch this improper investagation in first place. \$234,093.20.

I am requesting the maximum relief allowed, but am willing to negotiate. Thank You

Sincerely,


Donna K Curlin



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Philadelphia District Office
801 Market Street, Suite 1000
Philadelphia, PA 19107-3126
Email: PDOcontact@eeoc.gov
Website: eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

To: Donna K. Curlin
P.O. Box 200696 3985 N Cook St -80205
DENVER, CO 80220

Re: Donna K. Curlin v. SER NATIONAL JOBS FOR PROGRESS INC
EEOC Charge Number: 450-2021-05355

EEOC Representative and phone: Philadelphia Legal Unit, (267) 589-9707

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

Please retain this notice for your records.

On Behalf of the Commission:

Digitally Signed By: Karen McDonough
Thu Apr 20 00:00:00 EDT 2023

Karen McDonough
Deputy District Director

23-CV-01115-SBP
pg 1 of 1
CIVIL COVER SHEET

JS 44 (Rev. 06/17) District of Colorado Form

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

Donna K. Curlin

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

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

DEFENDANTS

SER (SCSEP)

SER Jobs for Progress National Inc

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

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

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

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

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|-----|---------------------------------------|---------------------------------------------------------------|-----|-----|
| Citizen of This State | 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | 4 | 4 |
| Citizen of Another State | 2 | 2 | Incorporated and Principal Place of Business In Another State | 5 | 5 |
| Citizen or Subject of a Foreign Country | 3 | 3 | Foreign Nation | 6 | 6 |

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

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

VI. CAUSE OF ACTION

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

Pursuant to Fed. R. Civ. P 26 (a)(1)Brief description of cause: ☐ AP Docket

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$ 750,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: Yes ☐ No ☒

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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

UNITED STATES DISTRICT COURT

for the
District of Colorado

DONNA K. CURLIN

Plaintiff(s)

v.

Civil Action No.

(SERSCSEP)

SER Jobs For Progress National Inc.

Defendant(s) and all others

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SER Jobs For Progress National Inc
7220 W. JEFFERSON AVE #123
LAKewood, CO 80235

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

DONNA K. CURLIN
3985 N. COOK ST
DENVER, CO 80205

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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

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

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

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

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 398 (Rev. 12/93)

United States District Court
District of Colorado

**NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS**

TO: (_____
as (_____ of (C) _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) _____ District of _____ and has been assigned docket number (E) _____.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this _____ day of _____, _____.

Signature of Plaintiff's Attorney
or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)

B—Title, or other relationship of individual to corporate defendant

C—Name of corporate defendant, if any

D—District

E—Docket number of action

F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

United States District Court

District of
Colorado

WAIVER OF SERVICE OF SUMMONS

V.

CASE NUMBER:

NOTICE

TO:

I acknowledge receipt of your request that I waive service of summons in the action of _____
Caption of Action
_____, which is case number _____ in the United States District Court for the District of
Docket Number
Colorado. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by
which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not
requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by
Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the
jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the
summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an
answer or motion under Rule 12 is not served upon you within 60 days after _____, (date request was
sent), or within 90 days after that date if the request was sent outside the United States.

(Date)

(Signature)

Printed/Typed Name: _____

[as _____]

[of _____]

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and
complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States
to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign
and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been
brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party
who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons),
and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or
unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is
not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to
answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court

District of
Colorado

WAIVER OF SERVICE OF SUMMONS

V.

CASE NUMBER:

NOTICE

TO:

I acknowledge receipt of your request that I waive service of summons in the action of _____
Caption of Action

_____, which is case number _____ in the United States District Court for the District of
Docket Number

Colorado. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after _____, (date request was sent), or within 90 days after that date if the request was sent outside the United States.

(Date)

(Signature)

Printed/Typed Name: _____

[as _____]
[of _____]

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.