

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Eugene Division

**KAREN STOKES and JENNIFER
MORLOK,**

Case No. 6:15-cv-02104-TC

Plaintiffs,

vs.

**WAIVER OF THE SERVICE
OF SUMMONSES**

**UNIVERSITY OF OREGON, and SHELLY
KERR, ROBIN HOLMES, JOSEPH
DEWITZ, KATHIE STANLEY, JOHN ROE
and JANE ROE in their individual
capacities,**

Defendants.

To: BETH CREIGHTON & MICHAEL E. ROSE, ATTORNEYS FOR THE PLAINTIFFS

I have received your request to waive service of a summons on the named Defendants 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 Defendants, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the Defendants, 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 Defendants, must file and serve an answer or a motion under Rule 12 within 60 days from November 24 2015 the date when this request was sent. If I fail to do so, a default judgment will be entered against me or the Defendants.

Date:

11/24/2015



Edwin A Harnden, OSB # 721129

Barran Liebman LLP

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Phone: 503 276-2101

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.

CERTIFICATE OF E-FILING & SERVICE

I certify that I e-filed the foregoing executed *Waiver of Service* via the court's electronic filing system on this 25th day of November, 2015, and served it on this same day, by:

- Hand-delivering
- Mailing
- Fax (503 243-2019)
- Emailing (courtesy copy, to: eharnden@barran.com)

a true copy thereof to Defendants' attorney at the address shown below:

*Edwin A Harnden
Barran Liebman LLP
601 SW 2nd Ave Ste 2300
Portland OR 97204*

CREIGHTON & ROSE, PC

s/ Carole Delogu-Clark
Carole Delogu-Clark, *Paralegal to:*
J. ASHLEE ALBIES, OSB #051846
Ashlee@civilrightspdx.com
BETH CREIGHTON, OSB#972440
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