

STATE OF VERMONT

SUPERIOR COURT
Unit

CIVIL DIVISION
Case No. \_\_\_\_\_

Plaintiff vs. Defendant

NOTICE OF LAWSUIT & REQUEST FOR WAIVER OF SERVICE OF SUMMONS

To: \_\_\_\_\_
(Name of Unrepresented Defendant or Defendant's Attorney)

I (or my client) have started a lawsuit against you. I enclose a copy of the Complaint, a blank Answer form, two copies of the Waiver of Service of Summons form, and a blank Notice of Appearance form.

This is not a formal summons or notification from the Court. To save the cost of having a sheriff or constable deliver these papers to you, I am asking you to sign and date the Waiver of Service form and return it to me in the enclosed addressed & stamped envelope or email it to me at \_\_\_\_\_. Keep the other Waiver of Service form and Complaint.

If you return the signed and dated Waiver of Service of Summons form by \_\_\_\_\_ (date must be at least 30 days from the day this request was sent to you, if sent within the United States; at least 42 days if sent outside the United States), you will not have to pay to have the sheriff or constable deliver the summons. I will send your Waiver of Service form to the Court and the lawsuit will move forward. You will not be able to object to how this lawsuit was served on you, but you can still defend yourself and make counterclaims.

If you return the Waiver of Service of Summons form by \_\_\_\_\_, then you must provide me and the Court a written response (Answer) to the Complaint (including any counterclaims), as required by the Vermont Rules of Civil Procedure (see e.g. Rules 8, 12 and 13) within 60 days of the date I sent you this Waiver form (90 days if the form was sent outside the United States). IF YOU DO NOT MEET THIS DEADLINE, THE COURT MAY DECIDE THE CASE AGAINST YOU. Please review the attached Important Information for Defendants. You should also fill out the Notice of Appearance form and send it with your written response to the Complaint.

If you do not return the signed and dated Waiver of Service of Summons form by \_\_\_\_\_, I will ask a sheriff or constable to serve you with a summons and I will ask the Court to require you to pay the costs.

I affirm that this request is being sent to you on \_\_\_\_\_.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Mailing Address
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

## **IMPORTANT INFORMATION FOR DEFENDANTS**

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached. Do not throw these papers away. They are official papers that affect your rights.
2. **YOU MUST RESPOND WITHIN THE TIME FRAMES SET OUT IN THE NOTICE OF LAWSUIT & REQUEST FOR WAIVER OF SERVICE OF SUMMONS TO PROTECT YOUR RIGHTS.** See time frames set out in the Notice of Lawsuit & Request for Waiver of Service of Summons sent to you with this Information for Defendants form.
3. **YOU MUST RESPOND TO EACH CLAIM.** Your written response to the Plaintiff's Complaint must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your written response (also known as your Answer).
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT GIVE YOUR WRITTEN ANSWER TO THE COURT.** If you do not send your written response (Answer) to the Court within the time frame set out in the Notice of Lawsuit & Request for Waiver of Service of Summons, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint.
5. **YOU MUST MAKE ANY CLAIMS AGAINST THE PLAINTIFF IN YOUR RESPONSE.** Your Answer must state any related legal claims you have against the Plaintiff. Your claims against the Plaintiff are called Counterclaims. If you do not make your Counterclaims in writing in your Answer, you may not be able to bring them up at all. Even if you have insurance and the insurance company will defend you, you must still file any Counterclaims you may have. You must pay a fee to file a counterclaim.
6. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you cannot afford a lawyer, you should ask the court clerk for information about places where you can get free legal help. **Even if you cannot get legal help, you must still give the Court a written Answer to protect your rights or you may lose the case.**
7. **NOTICE OF APPEARANCE FORM.** THE COURT NEEDS TO KNOW HOW TO REACH YOU SO THAT YOU WILL BE INFORMED OF ALL MATTERS RELATING TO YOUR CASE. If you have not hired an attorney and are representing yourself, in addition to filing the required Answer it is important that you file the attached Notice of Appearance form, to give the court your name, mailing address and phone number (and email address, if you have one). You must also mail or deliver a copy of the form to the lawyer or party who sent you this paperwork, so that you will receive copies of anything else they file with the court.