

Kristen K. Waggoner

WA Bar No.27790

AZ Bar. No. 32382

Katherine Anderson

WA Bar No. 41707

AZ Bar No. 29490

Ryan Tucker\*

AZ Bar No. 034382

Mark Lippelmann\*

AZ Bar No. 036553

ALLIANCE DEFENDING FREEDOM

15100 N. 90th Street

Scottsdale, AZ 85260

Telephone: (480) 444-0020

kwaggoner@ADFlegal.org

kanderson@ADFlegal.org

rtucker@ADFlegal.org

mlippelmann@ADFlegal.org

Eric Kniffin\*

CO Bar No. 48016

KNIFFIN LAW

102 S. Tejon St., Suite 1100

Colorado Springs, CO 80903

Telephone: (719) 212-4391

eric@kniffin.law

George M. Ahrend

WA Bar No. 25160

AHREND LAW FIRM

421 W. Riverside Ave., Suite 1060

Spokane, WA 99201

Telephone: (206) 467-6090

George@lustralawfirm.com

*Counsel for Plaintiffs*

\*Motion for *Pro Hac Vice* admission  
filed concurrently

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

ORTHODOX CHURCH IN AMERICA;  
ANTIOCHIAN ORTHODOX CHRISTIAN  
ARCHDIOCESE OF NORTH AMERICA;  
ROMANIAN ORTHODOX METROPOLIA OF  
THE AMERICAS; WESTERN AMERICAN  
DIOCESE OF THE RUSSIAN ORTHODOX  
CHURCH OUTSIDE OF RUSSIA; TIMOTHY  
WILKINSON,

*Plaintiffs,*

v.

ROBERT W. FERGUSON, in his official capacity  
as Governor of the State of Washington;

Case No.

**COMPLAINT**

1 NICHOLAS W. BROWN, in his official capacity  
as Attorney General of the State of Washington;  
2 LARRY HASKELL, in his official capacity as  
Spokane County Prosecuting Attorney; JOSEPH  
3 BRUSIC, in his official capacity as Yakima  
County Prosecuting Attorney; LEESA MANION,  
4 in her official capacity as King County  
Prosecuting Attorney; RANDY FLYCKT, in his  
5 official capacity as Adams County Prosecuting  
Attorney; CURT LIEDKIE, in his official  
6 capacity as Asotin County Prosecuting Attorney;  
ERIC EISINGER, in his official capacity as  
7 Benton County Prosecuting Attorney; ROBERT  
8 SEALBY, in his official capacity as Chelan  
County Prosecuting Attorney; MARK NICHOLS,  
9 in his official capacity as Clallam County  
Prosecuting Attorney; TONY GOLIK, in his  
10 official capacity as Clark County Prosecuting  
Attorney; DALE SLACK, in his official capacity  
11 as Columbia County Prosecuting Attorney;  
RYAN JURVAKAINEN, in his official capacity  
12 as Cowlitz County Prosecuting Attorney;  
GORDON EDGAR, in his official capacity as  
13 Douglas County Prosecuting Attorney;  
MICHAEL GOLDEN, in his official capacity as  
14 Ferry County Prosecuting Attorney; SHAWN  
SANT, in his official capacity as Franklin  
15 County Prosecuting Attorney; MATHEW  
NEWBERG, in his official capacity as Garfield  
16 County Prosecuting Attorney; KEVIN McCRAE,  
17 in his official capacity as Grant County  
Prosecuting Attorney; NORMA TILLOTSON, in  
18 her official capacity as Grays Harbor County  
Prosecuting Attorney; GREG BANKS, in his  
19 official capacity as Island County Prosecuting  
Attorney; JAMES KENNEDY, in his official  
20 capacity as Jefferson County Prosecuting  
Attorney; CHAD ENRIGHT, in his official  
21 capacity as Kitsap County Prosecuting Attorney;  
GREG ZEMPEL; in his official capacity as  
22 Kittitas County Prosecuting Attorney; DAVID  
23

1 QUESNEL, in his official capacity as Klickitat  
2 County Prosecuting Attorney; JONATHAN  
3 MEYER, in his official capacity as Lewis County  
4 Prosecuting Attorney; TY ALBERTSON, in his  
5 official capacity as Lincoln County Prosecuting  
6 Attorney; MICHAEL DORCY, in his official  
7 capacity as Mason County Prosecuting Attorney;  
8 ALBERT LIN, in his official capacity as  
9 Okanogan County Prosecuting Attorney;  
10 MICHAEL ROTHMAN, in his official capacity as  
11 Pacific County Prosecuting Attorney; DOLLY  
12 HUNT, in her official Capacity as Pend Orielle  
13 County Prosecuting Attorney; MARY  
14 ROBNETT, in her official capacity as Pierce  
15 County Prosecuting Attorney; AMY VIRA, in her  
16 official capacity as San Juan County Prosecuting  
17 Attorney; RICH WEYRICH, in his official  
18 Capacity as Skagit County Prosecuting Attorney;  
19 ADAM KICK, in his official capacity as  
20 Skamania County Prosecuting Attorney; JASON  
21 CUMMINGS, in his official capacity as  
22 Snohomish County Prosecuting Attorney;  
23 ERIKA GEORGE, in her official capacity as  
Stevens County Prosecuting Attorney; JON  
TUNHEIM, in his official capacity as Thurston  
County Prosecuting Attorney; DANIEL  
BIGELOW, in his official capacity as  
Wahkiakum County Prosecuting Attorney;  
GABRIEL ACOSTA, in his official capacity as  
Walla Walla County Prosecuting Attorney; ERIC  
RICHEY, in his official capacity as Whatcom  
County Prosecuting Attorney; and DENIS  
TRACY, in his official capacity as Whitman  
County Prosecuting Attorney,

*Defendants.*

## NATURE OF THE ACTION

1  
2       1.     The forgiveness of sins is at the heart of Jesus' ministry on  
3 earth. For 2,000 years, his priests have testified to Jesus' love and  
4 mercy by preaching "repentance and forgiveness of sins ... in his name  
5 to all nations." Luke 24:47. Following Jesus' instruction to his disciples,  
6 the Sacrament of Confession in the Orthodox tradition has been  
7 entrusted to the ordained priesthood. In accordance with church  
8 history, tradition, liturgy, and law, this ministry has taken the form of  
9 the Sacrament of Confession, also called the Holy Mystery of  
10 Repentance, or more simply Confession.

11       2.     Since at least the fourth century AD, the Christian Church  
12 has consistently prohibited priests from disclosing what they hear in  
13 Confession. The Orthodox Church today teaches that priests have a  
14 strict religious duty to maintain the absolute confidentiality of what is  
15 disclosed in the Sacrament of Confession. Violating this mandatory  
16 religious obligation is a canonical crime and a grave sin, with severe  
17 consequences for the offending priest, including removal from the  
18 priesthood.

19       3.     The Christian tradition teaches that the priests must  
20 maintain the confidentiality of Confession first because priests' role in  
21 the sacrament is to mirror God's love and mercy, including the Bible's  
22 promise that "as far as the east is from the west, so far has he removed  
23 our sins from us." Second, the confidentiality of Confession reflects the



1 Church's recognition that people are unlikely to come to the sacrament  
2 and receive God's mercy and forgiveness if they fear that their priests  
3 will share their sins with others.

4 4. Every state, including Washington, honors the clergy-  
5 penitent privilege, and the United States Supreme Court recognizes  
6 that the privilege has long been part of the common law tradition.

7 5. Also, like every other state, Washington has a mandatory  
8 reporter law that imposes a legal duty on certain persons to file a report  
9 with the government when one has reasonable cause to believe that a  
10 child has suffered abuse or neglect.

11 6. And, like nearly every other state, Washington's mandatory  
12 reporter law has recognized a clergy-penitent privilege that protects the  
13 confidentiality of Confession.

14 7. But this May, Washington passed SB 5373, which includes  
15 the *Clergy Discrimination Clause* (RCW § 26.44.030(1)(b)) that makes it  
16 a crime for priests to fulfill their religious obligation to keep confessions  
17 confidential:

18 11 service. ((No)) Except for members of the clergy, no one shall be  
19 12 required to report under this section when he or she obtains the  
20 13 information solely as a result of a privileged communication as  
21 14 provided in RCW 5.60.060.

22 A single violation can carry up to 364 days in jail, a \$5,000 fine,  
23 and civil liability.

1           8. That means the *Clergy Discrimination Clause* puts priests,  
2 and only priests, to a Hobson's choice: they must either obey  
3 Washington law and violate their sacred obligation to maintain the  
4 confidentiality of Confession, or else uphold their religious vow and face  
5 criminal penalties.

6           9. Furthermore, as Christian pastors have warned since at  
7 least the fifth century AD, the specter that priests might report people's  
8 confessions to the government chases people away from the Sacrament  
9 of Confession, and thus God's mercy and forgiveness.

10          10. Yet Washington still honors secular privileged  
11 communications as valid exceptions to its mandatory reporter law.

12          11. Legislators were careful to ensure Washington's mandatory  
13 reporter law does not infringe an attorney's professional obligation to  
14 keep client matters private. But the *Clause's* prime sponsor, Senator  
15 Noel Frame, argued churches ought to "change their rules" about the  
16 confidentiality of Confession, "not insist that we change our state laws."

17          12. And Washington has also retained privileges for sexual  
18 assault advocates and alcohol or drug recovery sponsors that exempt  
19 them from the mandatory reporting law.

20          13. Washington has made itself an outlier. It is now the only  
21 state whose mandatory reporter law explicitly overrides the religious  
22 clergy-penitent privilege while leaving the secular attorney-client  
23 privilege (and other secular privileges) intact.

1           14. Plaintiff Orthodox Christian Churches and Plaintiff  
2 Orthodox Priest bring this action seeking injunctive and declaratory  
3 relief from the *Clergy Discrimination Clause*.

4           15. Plaintiffs do not object to alerting authorities when they  
5 have genuine concerns about children that they learn outside of  
6 Confession—indeed, Plaintiff Priest and other clergy are already  
7 required to make such reports under their own bishops’ policies.

8           16. Plaintiffs request only that the State give the clergy-penitent  
9 privilege the constitutional protection it is due as a fundamental  
10 religious obligation.

## 11                                   **JURISDICTION AND VENUE**

12           17. This action arises under the First and Fourteenth  
13 Amendments to the United States Constitution and is brought pursuant  
14 to 42 U.S.C. § 1983.

15           18. This Court has jurisdiction over the instant matter pursuant  
16 to 28 U.S.C. §§ 1331 and 1343.

17           19. This Court is authorized to grant declaratory judgment  
18 under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02,  
19 implemented through Rule 57 of the Federal Rules of Civil Procedure.

20           20. This Court is authorized to grant Plaintiffs’ prayer for  
21 temporary, preliminary, and permanent injunctive relief pursuant to  
22 Rule 65 of the Federal Rules of Civil Procedure.



1           25. The OCA's Diocese of the West is the geographical district  
2 within the OCA that includes the western United States. It has  
3 parishes and missions in Washington State. The Diocese of the West is  
4 led by Archbishop Benjamin. The Archbishop is the spiritual father of  
5 all priests and parishes in his Diocese.

6           26. The OCA and Archbishop Benjamin have a religious duty to  
7 ensure that their priests maintain the confidentiality of Confession and  
8 that the Christian faithful under their care have access to the  
9 Sacrament of Confession, offered consistent with the traditions and  
10 teachings of the Orthodox Christian faith.

11           27. Plaintiff OCA brings this action on behalf of itself and all its  
12 priests and faithful in Washington State.

13           28. Plaintiff Antiochian Orthodox Christian Archdiocese of  
14 North America is an Archdiocese of the Antiochian Orthodox Church.  
15 The Archdiocese has parishes and missions in Washington State.

16           29. The Archdiocese is led by Metropolitan Saba. The  
17 Metropolitan is the spiritual father of all priests and parishes in his  
18 Archdiocese.

19           30. The Archdiocese and Metropolitan Saba have a religious  
20 duty to ensure that their priests maintain the confidentiality of  
21 Confession and that the Christian faithful under their care have access  
22 to the Sacrament of Confession, offered consistent with the traditions  
23 and teachings of the Orthodox Christian faith.

1           31. Plaintiff Archdiocese brings this action on behalf of itself and  
2 all its priests and faithful in Washington State.

3           32. Plaintiff Romanian Orthodox Metropolia of the Americas is  
4 an Archdiocese of the Romanian Orthodox Church. It has parishes in  
5 Washington State.

6           33. The Metropolia is led by Metropolitan Nicolae. The  
7 Metropolitan is the spiritual father of all priests and parishes in his  
8 Archdiocese.

9           34. The Metropolia and Metropolitan Nicolae have a religious  
10 duty to ensure that their priests maintain the confidentiality of  
11 Confession and that the Christian faithful under their care have access  
12 to the Sacrament of Confession, offered consistent with the traditions  
13 and teachings of the Orthodox Christian faith.

14           35. Plaintiff Metropolia brings this action on behalf of itself and  
15 all its priests and faithful in Washington State.

16           36. Plaintiff Western American Diocese of the Russian Orthodox  
17 Church Outside of Russia is a Diocese of the Russian Orthodox Church.  
18 It has parishes in Washington State.

19           37. The Diocese is led by Archbishop Kyrill. The Archbishop is  
20 the spiritual father of all priests and parishes in his Diocese.

21           38. The Diocese and Archbishop Kyrill have a religious duty to  
22 ensure that their priests maintain the confidentiality of Confession and  
23 that the Christian faithful under their care have access to the

1 Sacrament of Confession, offered consistent with the traditions and  
2 teachings of the Orthodox Christian faith.

3 39. Plaintiff Western American Diocese of the Russian Orthodox  
4 Church Outside of Russia brings this action on behalf of itself and all its  
5 priests and faithful in Washington State.

6 40. The Plaintiff Churches' priests travel as needed to meet the  
7 spiritual needs of the Orthodox faithful throughout Washington State,  
8 including offering the Sacrament of Confession.

9 41. Plaintiff Father Timothy Wilkinson is a priest in the  
10 Orthodox Church in America and serves as pastor of Saint Luke  
11 Orthodox Christian Church in Chattaroy, Washington. As a priest in  
12 the Orthodox Church in America, and as spiritual father to those he  
13 serves, Plaintiff Wilkinson has the faculties to, and does, hear the  
14 Sacrament of Confession in the State of Washington.

15 ***Defendants***

16 42. Defendant Robert W. Ferguson is Governor of the State of  
17 Washington.

18 43. As Governor, Defendant Ferguson holds the State of  
19 Washington's "supreme executive power." Wash. Const. art. III, § 2.

20 44. As the State's supreme executive, Defendant Ferguson "shall  
21 see that the laws are faithfully executed," including the challenged SB  
22 5375. Wash. Const. art. III, § 5.



1           45. Defendant Ferguson also “supervise[s] the conduct of all  
2 executive and ministerial offices,” including Defendant Attorney  
3 General.

4           46. Defendant Ferguson “may require the attorney general to  
5 aid any prosecuting attorney in the discharge of the prosecutor’s  
6 duties.” RCW § 43.06.010(7).

7           47. Defendant Ferguson may also issue a “written request” for  
8 Defendant Attorney General to “investigate violations of the criminal  
9 laws within this state.” RCW § 43.10.090.

10          48. At all times relevant to this Complaint, Defendant Ferguson  
11 is and was acting under color of State law. He is sued in his official  
12 capacity.

13          49. Defendant Nicholas W. Brown is the Attorney General for  
14 the State of Washington.

15          50. As Attorney General, Defendant Brown is “the legal advisers  
16 of the state officers,” including Defendant Ferguson, and “shall perform  
17 other duties as may be prescribed by law.” Wash. Const. art. III, § 21.

18          51. As Attorney General, Defendant Brown “shall ... [c]onsult  
19 with and advise the several prosecuting attorneys in matters relating to  
20 the duties of their office, and when the interests of the state require, he  
21 ... shall attend the trial of any person accused of a crime, and assist in  
22 the prosecution.” RCW § 43.10.030(4).

1           52. Defendant Attorney General, on request of Defendant  
2 Governor, “shall investigate violations of the criminal laws.” RCW  
3 § 43.10.090. “If, after such investigation, the attorney general believes  
4 that the criminal laws are improperly enforced in any county, and that  
5 the prosecuting attorney of the county has failed or neglected to  
6 institute and prosecute violations of such criminal laws, either  
7 generally or with regard to a specific offense or class of offenses, the  
8 attorney general shall direct the prosecuting attorney to take such  
9 action in connection with any prosecution as the attorney general  
10 determines to be necessary and proper.” *Id.*

11           53. SB 5375 establishes a crime on which Defendant Brown  
12 shall advise the prosecuting attorneys how to enforce and assist in  
13 prosecutions under the law.

14           54. At all times relevant to this Complaint, Defendant Brown is  
15 and was acting under color of State law. He is sued in his official  
16 capacity.

17           55. Defendants Larry Haskel, Joseph Brusic, Leesa Manion,  
18 Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark  
19 Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, Gordon Edgar,  
20 Michael Golden, Shawn Sant, Matthew Newberg, Kevin McCrae,  
21 Norma Tillotson, Greg Banks, James Kennedy, Chad Enright, Greg  
22 Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy,  
23 Albert Lin, Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira,

1 Rich Weyrich, Adam Kick, Jason Cummings, Erika George, Jon  
2 Tunheim, Daniel Bigelow, Gabriel Acosta, Eric Richey, and Denis Tracy  
3 are the prosecuting attorneys for Spokane, Yakima, King, Adams,  
4 Asotin, Bentin, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas,  
5 Ferry, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson,  
6 Kitsap, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific,  
7 Pen Orielle, Pierce, San Juan, Skagit, Skamania, Snohomish, Stevens,  
8 Thurston, Wahkiakum, Walla Walla, Whatcom, and Whitman Counties  
9 of Washington, respectively.

10 56. As county prosecuting attorneys, these Defendants “shall ...  
11 [p]rosecute all criminal and civil actions in which the state or the  
12 county may be a party,” including failure to report under RCW  
13 § 26.44.030. RCW § 36.27.020(4). They are all sued in their official  
14 capacities.

## 15 STATEMENT OF FACTS

### 16 I. The Plaintiffs and their Religious Duties regarding the 17 Sacrament of Confession

18 57. Each of the Plaintiff Churches teach that a priest cannot  
19 under any circumstances reveal what is confessed to him during the  
20 Sacrament of Confession. Plaintiff Wilkinson believes and follows this  
21 teaching. Yet that is exactly what Washington seeks to require, in  
22 direct violation of church doctrine and Plaintiffs’ religious convictions.  
23

**A. The Sacrament of Confession is a central tenet of Plaintiffs' religious practice.**

58. The mission that Jesus left His Church is to bring about the salvation of every human person, uniting each to Christ in the Church, transforming each in holiness, and giving each eternal life. The Church's mission is to share the Gospel of Christ, the good news that Jesus is the Messiah, that He rose from the dead, and that we can be saved as a result.

59. One of the central ways Jesus called his apostles to testify to His love was to preach "repentance and forgiveness of sins ... in his name to all nations." Luke 24:47.

60. The Bible records that Christ's apostles took up Christ's call. In the Book of Acts, the Apostle Peter says, "Repent and be baptized every one of you in the name of Jesus Christ for the forgiveness of your sins, and you shall receive the gift of the Holy Spirit." Acts 2:37-38.

61. The Orthodox Christian tradition that all Plaintiffs share views the Christian sacraments, or "holy mysteries," as special events in the life of the Church through which God discloses Himself and his mercy through the prayers and actions of His people. Plaintiffs believe that the Christian sacraments are means, ordained by God, through which Christians encounter God's grace, His love, and the Risen Jesus Christ.

1           62. One of those sacraments is the Sacrament of Confession, or  
2 the Holy Mystery of Reconciliation.

3           63. The Orthodox Christian tradition likens the priest's role in  
4 administering the Sacrament of Confession to a doctor's role in helping  
5 the sick or wounded. In the words of Syriac teacher Aphrahat the  
6 Persian (d. 345 AD), as a person "wounded in battle is not ashamed to  
7 give himself into the hands of a skillful physician," so the person "whom  
8 Satan has smitten ought not to be ashamed to confess his sins, and  
9 depart from it, and entreat for himself the medicine of penitence."<sup>1</sup>

10           **B. Overview of the Sacrament of Confession in the**  
11           **Orthodox Church**

12           64. Orthodox Christians are encouraged to come to the  
13 Sacrament of Confession regularly. Orthodox view Confession as an  
14 essential expression of the Christian faith and central to growth in the  
15 spiritual life, grounded in Jesus' call, "Repent, for the Kingdom of God  
16 is at hand!" It is seen as a routine part of the Christian life, a means by  
17 which Christians continually turn back to God and participate in the  
18 life God invites his people into through the transformative power of  
19 repentance and divine mercy.

20           65. Thus, parishes often post regular times when priests are  
21 available for Confession, including for a period before or after Saturday

---

22 <sup>1</sup> Aphrahat the Persian, *Demonstrations VII: On Penitents*, trans. Frank H. Hallock,  
23 in J. of the Society of Oriental Research, v.16, ed. Samuel A.B. Mercher (1932) 44,  
<https://doi.org/doi:10.7282/T32805SV>.

1 evening Vespers. Outside of these set times, parishioners may make an  
2 appointment with a priest to receive the sacrament.

3       66. In the Orthodox Christian tradition, Confession usually  
4 takes place standing in the church before an image of Jesus Christ, the  
5 Holy Gospels, or a crucifix. The priest typically stands or sits alongside  
6 the penitent, with both looking toward the image of Christ. This  
7 reminds both the priest and penitent alike that the sinner is not merely  
8 confessing to the priest, but truly to Christ himself.

9       67. The Sacrament of Confession typically begins with prayer,  
10 the reading of Psalms, and sometimes the chanting of hymns, after  
11 which the priest then encourages the individual to repent. Confession in  
12 the Orthodox Christian tradition often involves not merely the listing of  
13 sins but also receiving spiritual advice from the priest, who as a  
14 spiritual father seeks to guide the penitent to virtue and holiness.

15       68. As the Sacrament draws to a close, the priest says a prayer  
16 of absolution invoking God's forgiveness of the penitent's sins while  
17 blessing him with the sign of the cross.

18       69. A central and fundamental aspect of the Sacrament of  
19 Confession is that the priest must never, under any circumstances,  
20 disclose the contents of a Confession.

21       70. The Orthodox tradition demands that priests honor the  
22 absolute confidentiality of Confession for two reasons.  
23

1           71. First, priests must do so because they are called in the  
2 sacrament to mirror God's love and mercy, and the confidentiality of  
3 Confession is rooted in God's promises. Psalm 103 says, "as far as the  
4 east is from the west, so far has he removed our sins from us." The  
5 prophet Ezekiel promises, "if the wicked man turns away from all the  
6 sins he committed ... none of the crimes he committed shall be  
7 remembered against him." Ezekiel 18:21. Plaintiffs proclaim the Word  
8 of God not just by repeating these words, but by living them out, most  
9 centrally when sinners unburden themselves in Confession.

10           72. Second, the absolute confidentiality of Confession reflects  
11 the pastoral reality that breaking this confidentiality, or the fear that  
12 priests might violate this confidentiality, would result in people  
13 refusing to confess, thus depriving themselves of God's mercy.

14           73. The earliest existing canon to deal with secrecy in  
15 Confession is the 34th Canon of Saint Basil the Great (d. 379), which  
16 noted that church fathers had "forbidden" priests from disclosing the  
17 identities of "women who have committed adultery and confessed" to  
18 protect them from retaliation.

19           74. Pope Leo the Great (d. 461) likewise recognized that the  
20 confidentiality of Confession is necessary because disclosing others' sins  
21 would chill people from coming to Confession: "many" would "be kept  
22 away from the remedies of penance, either out of shame or for fear that  
23



1 their enemies may come to know of facts which could bring harm to  
2 them through legal procedures.”<sup>2</sup>

3 75. Similarly, St. Dimitri of Rostov (d. 1709) emphasized the  
4 importance of ensuring the absolute confidentiality of Confession.  
5 Priests “must die and be crowned with a martyr’s crown rather than  
6 unlock the seal of the confession.” The Orthodox believe, in the words of  
7 St. Dimitri, that “it is better for the spiritual father to accept temporary  
8 death from people who kill his body but who cannot kill his soul than to  
9 be executed by God with a permanent death for the exposure.”<sup>3</sup>

10 76. Down the centuries, countless priests have honored this  
11 counsel, submitting to torture and death rather than yield to demands  
12 from tyrannical kings, military dictators, and civil authorities.<sup>4</sup>

13 77. As St. Nicodemus of the Holy Mountain (d. 1809) writes to  
14 priests in his *Exomologitarion*, a classic treatise on how Orthodox  
15 Christians understand Confession: “Nothing else remains after

---

16 <sup>2</sup> J. Neuner & Jacques Dupuis, *The Christian Faith: In the Doctrinal Documents of*  
17 *the Catholic Church* 660 (7th ed. 2001) (quoting Pope Leo the Great, *Letter of the*  
*Bishops of Roman Rural Districts* (459)).

18 <sup>3</sup> Nadieszda Kizenko, *Good for the Souls: A History of Confession in the Russian*  
*Empire* 63 (2021).

19 <sup>4</sup> See, e.g., Brian Fraga, *Why priests refuse to break the seal of confession*, OSV  
20 Newsweekly (May 15, 2019), [https://www.osvnews.com/2019/05/15/the-seal-of-](https://www.osvnews.com/2019/05/15/the-seal-of-confession/)  
21 [confession/](https://www.osvnews.com/2019/05/15/the-seal-of-confession/); *These priests were martyred for refusing to violate the seal of confession*,  
22 Catholic News Agency (Dec. 16, 2017),  
[https://www.catholicnewsagency.com/news/36651/these-priests-were-martyred-for-](https://www.catholicnewsagency.com/news/36651/these-priests-were-martyred-for-refusing-to-violate-the-seal-of-confession/)  
23 [refusing-to-violate-the-seal-of-confession/](https://www.catholicnewsagency.com/news/36651/these-priests-were-martyred-for-refusing-to-violate-the-seal-of-confession/); Chaz Muth, *Priestly Martyrdom to Uphold*  
*Seal of Confession Not a New Phenomenon*, Orange County Catholic (June 5, 2019),  
[https://www.occatholic.com/priestly-martyrdom-to-uphold-seal-of-confession-not-a-](https://www.occatholic.com/priestly-martyrdom-to-uphold-seal-of-confession-not-a-new-phenomenon/)  
[new-phenomenon/](https://www.occatholic.com/priestly-martyrdom-to-uphold-seal-of-confession-not-a-new-phenomenon/).

1 confession, Spiritual Father, except to keep the sins you hear a secret,  
2 and to never reveal them.”<sup>5</sup>

3 78. To this day, the Orthodox Church continues to reinforce  
4 these ancient teachings and insist that the confidentiality of Confession  
5 is absolute and that its violation is a grave sin.

6 79. According to the Orthodox Church in America’s Guidelines  
7 for Clergy,

8 The secrecy of the Mystery of Penance, even under strong  
9 constraining influence, is considered an unquestionable rule  
10 in the entire Orthodox Church. Betrayal of the secrecy of  
confession will lead to canonical punishment of the priest.<sup>6</sup>

11 80. Canonical punishment for this offense includes suspending a  
12 priest’s faculties and even permanently reducing the priest to the lay  
13 state.

14 81. Plaintiffs cannot remove or qualify the confidentiality of  
15 Confession by passing new canon laws or guidelines. Indeed, the  
16 Orthodox Church has no mechanism for “updating” the received  
17 tradition of the Church.

18 **C. Plaintiffs are committed to appropriately preventing  
19 and reporting crimes.**

20 82. Plaintiffs are committed to protecting children.

21  
22 <sup>5</sup> Nikodemos the Hagiorite, *Exomologetarion: A Manual of Confession* (trans. Fr.  
George Dokos 2006).

23 <sup>6</sup> Holy Synod of the Orthodox Church in America, *Guidelines for Clergy* 17 (2023),  
<https://www.oca.org/files/PDF/official/2023-OCA-Guidelines-for-Clergy.pdf>.

1           83. Plaintiff Antiochian Orthodox Christian Archdiocese of  
2 North America's has a Youth Protection Policy, which is binding for  
3 Church leaders, including clergy, administrators, staff, and volunteer  
4 youth workers.<sup>7</sup>

5           84. These commitments are representative of the commitments  
6 made by each Plaintiff.

7           85. This Youth Protection Policy requires all Church personnel  
8 and volunteers to report any reasonable suspicion of abuse or neglect to  
9 law enforcement.<sup>8</sup>

10          86. The only exception to the Policy is that clergy must not  
11 break the confidentiality of Confession.

12          87. Under the Policy, anyone alleged to have committed acts  
13 that warrant reporting to authorities must be immediately suspended  
14 from participating in any youth programs and all activities related to  
15 youth. Pending the results of investigation by law enforcement, such  
16 persons may be suspended from church activities and church  
17 attendance.<sup>9</sup>

---

20 <sup>7</sup> See Antiochian Orthodox Christian Archdioceses of North America, *Youth*  
21 *Protection Policy: Church Leaders, Administrators, Staff and Volunteer Youth*  
22 *Workers* (2024),

[https://antiochianprodsa.blob.core.windows.net/websiteattachments/  
22 YOUTH%20PROTECTION%20POLICY.pdf](https://antiochianprodsa.blob.core.windows.net/websiteattachments/YOUTH%20PROTECTION%20POLICY.pdf)

23 <sup>8</sup> *Id.* at 23.

<sup>9</sup> *Id.* at 27.

1           88. Under the Policy, the failure to report relevant information  
2 learned outside of the confidentiality of Confession results in discipline,  
3 including termination from employment or volunteer positions.<sup>10</sup>

4           89. Though the confidentiality of Confession is absolute,  
5 Orthodox priests are taught that pastoral concern for the penitent and  
6 others in the penitent's life may warrant encouraging the penitent to  
7 initiate a conversation with the priest outside of the sacrament or to  
8 take steps to address damage related to a confessed sin.

9           90. For example, the Orthodox Church in America's *Guidelines*  
10 *for Clergy* states:

11           In rare circumstances, for the sake of the salvation of the one  
12 coming to the mystery, the priest may withhold absolution  
13 for a short time and ask the penitent to take concrete steps  
to make amends as an expression of repentance.<sup>11</sup>

14           91. The possibility of a priest temporarily withholding  
15 absolution is related to the priest's responsibility to look for signs that  
16 the sinner is genuinely repentant for his or her sins.

17           92. Priests have the responsibility to determine these "rare  
18 circumstances," which is a spiritual question entrusted to the confessor  
19 in his pastoral judgment.

---

20  
21  
22  
<sup>10</sup> *Id.*

23 <sup>11</sup> *Guidelines for Clergy*, Orthodox Church in America, *supra* note 6, at 18.

93. The priest will consider how best to minister to the penitent and help the penitent reconcile himself with God and other affected persons.

94. One “rare circumstance[ ]” could include when a penitent has confessed a grave sin that is also criminal like child abuse. Part of making amends for that sin could include asking the penitent to make a report to law enforcement.

95. According to Archpriest Maxim Nikolsky, General Synod Ecumenical Representative from the Russian Orthodox Church:

In the case of a very grave sin the priest must make every effort to encourage the sinner to pursue an appropriate legal action. . . . So no prayer of absolution is offered where there is clearly no repentance as when murder or paedophilia has been committed and the person confessing has no intention of giving himself up to the legal authorities.<sup>12</sup>

## **II. Washington amends its mandatory reporter law to revoke the relevant clergy-penitent privilege.**

### **A. The clergy-penitent privilege is a venerable part of our legal system.**

96. The clergy-penitent privilege—like the attorney-client privilege—is a deeply rooted part of our legal system that guards fundamental religious and privacy interests.

---

<sup>12</sup> Archpriest Maxim Nikolsky, *Reflections on the Seal of the Confessional in the Russian Orthodox Church* (Jan. 29, 2016), <https://www.churchofengland.org/sites/default/files/2019-05/russian-orthodox-church-submission.pdf>.

1           97. Every State, including Washington State, recognizes the  
2 clergy-penitent privilege.

3           98. For 150 years, the United States Supreme Court has  
4 recognized the clergy-penitent privilege as part of the common law  
5 tradition. *See Totten v. United States*, 92 U.S. 105, 107 (1875) (“[S]uits  
6 cannot be maintained which would require a disclosure of the  
7 confidences of the confessional.”).

8           99. The Supreme Court has also affirmed that the clergy-  
9 penitent privilege, like the attorney-client privilege, serves fundamental  
10 privacy interests. *See Trammel v. United States*, 445 U.S. 40, 51 (1980)  
11 (“The priest-penitent privilege recognizes the human need to disclose to  
12 a spiritual counselor, in total and absolute confidence, what are  
13 believed to be flawed acts or thoughts and to receive priestly consolation  
14 and guidance in return.”).

15           100. The Ninth Circuit has likewise concluded that “the  
16 inviolability of religious confession to the clergy” is “the law of the land,  
17 the expectation of every repentant sinner, and the assured confidence of  
18 every minister of God’s grace.” *Mockaitis v. Harclerod*, 104 F.3d 1522,  
19 1533 (9th Cir. 1997), *overruled on other grounds by City of Boerne v.*  
20 *Flores*, 521 U.S. 507 (1997).

21           101. Washington’s privileged communications statute recognizes  
22 the clergy-penitent privilege. RCW § 5.60.060(3).  
23

**B. SB 5375 amends Washington’s mandatory reporter law to target clergy.**

102. For decades, Washington State has had a mandatory reporter law that requires certain people, such as doctors, law enforcement officers, and school personnel, to inform public authorities when they have “reasonable cause to believe that a child has suffered abuse or neglect.” RCW § 26.44.030(1)(a).

103. For nearly two decades, Washington law has explicitly exempted information learned from privileged communications from its mandatory reporting law: “No one shall be required to report under [the mandatory reporter law] when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.”<sup>13</sup> RCW § 26.44.030(1)(b) (2024).

104. RCW § 5.60.060, Washington’s “Privileged Communications” statute, recognizes numerous privileges, including the spousal or domestic partner privilege, attorney-client privilege, the clergy-penitent privilege, peer supporter privilege, sexual assault advocate privilege, and alcohol or drug recovery sponsor privilege.

105. But this May, Washington passed SB 5375, which both adds clergy to the State’s list of mandatory reporters and removes the protection of the clergy-penitent privilege for mandatory reports. In

---

<sup>13</sup> This provision has been in place and untouched since enacted by SSB 5308, which was approved May 11, 2005, and effective July 24, 2005. 2005 Wash. Legis. Serv. Ch. 417 (S.S.B. 5308).



1 what this Complaint refers to as the *Clergy Discrimination Clause*, SB  
 2 5375 modified RCW § 26.44.030(1)(b) to explicitly exclude clergy—and  
 3 only clergy—from being able to invoke the State’s privileged  
 4 communications statute, while leaving all secular privileges in  
 5 RCW § 5.60.060 intact:

6 11 service. ((Ne)) Except for members of the clergy, no one shall be  
 7 12 required to report under this section when he or she obtains the  
 13 13 information solely as a result of a privileged communication as  
 14 14 provided in RCW 5.60.060.

8  
 9 106. On May 2, 2025, Defendant Governor Ferguson signed the  
 10 bill into law.

11 107. The *Clergy Discrimination Clause* will become effective on  
 12 July 27, 2025.

13 **C. The duty to report under Washington’s mandatory  
 14 reporter law is both broad and vague.**

15 108. During committee hearings, one of the arguments made in  
 16 support of revoking the privilege for clergy was that “the only people  
 17 who need to worry about the privacy of their Confession are child  
 18 rapists and abusers.” (Feb 4, House, 1:05:19-25)<sup>14</sup>

19 109. That statement is false. The duty to report under  
 20 Washington law is broad and ill-defined.

21 110. Under Washington law, a mandatory reporter must  
 22 promptly inform “the proper law enforcement agency or to the

23 <sup>14</sup> Washington State Legislature, House Early Learning & Human Services  
 Committee (Feb. 4, 2025, 1:30 PM), [https://www.tvw.org/watch/  
 ?eventID=2025021151](https://www.tvw.org/watch/?eventID=2025021151).

1 department” of Children, Youth, and Families when he or she “has  
2 reasonable cause to believe that a child has suffered abuse or neglect.”  
3 RCW § 26.44.030(1)(a).

4 111. This requirement is overbroad and vague, as underscored  
5 both by the law’s definitions and what it leaves undefined. The law  
6 requires mandatory reports of a broad range of conduct, which  
7 incentivizes over reporting.

8 112. As summarized by the Department of Children, Youth, and  
9 Families (“DCYF” or “Department”), which has the responsibility to  
10 investigate reports made under the mandatory reporting law, if “you  
11 are in doubt about what should be reported, it is better to make your  
12 concerns known than to remain silent.” DCYF, *Protecting the Abused &*  
13 *Neglected Child* (Rev. 2018); RCW § 26.44.030(12)(a).

14 113. For example, “reasonable cause’ means a person witnesses  
15 or receives a credible written or oral report alleging abuse, including  
16 sexual contact, or neglect of a child.” RCW § 26.44.030(1)(b)(iii).

17 114. “Credible” is not defined. *See* Julia Simon-Kerr, *Law’s*  
18 *Credibility Problem*, 98 Wash. L. Rev. 179 (2023) (“Credibility  
19 determinations often seal people’s fates. . . . Yet there is no stable  
20 definition of credibility in the law. Courts and agencies diverge at the  
21 most basic definitional level in their use of the category.”).

1           115. The Department has published guidance “to help mandated  
2 reporters understand” the law. *See* DCYF, *Protecting the Abused &*  
3 *Neglected Child* (Rev. 2018).

4           116. But that guidance only furthers the breadth and vagueness  
5 of the law.

6           117. According to the guidance, child abuse includes any “act that  
7 is likely to cause and which does cause bodily harm greater than  
8 transient pain or minor temporary marks or which is injurious to the  
9 child’s health, welfare, and safety.” *Id.* at 5.

10           118. The guidance does not define transient or temporary. Nor  
11 does it define “health,” “welfare,” or “safety.”

12           119. According to the State’s guidance, signs of child abuse  
13 include “sudden changes in behavior or school performance,” “learning  
14 problems (or difficulty concentrating) that cannot be attributed to  
15 specific physical or psychological causes,” and being “overly compliant,  
16 passive, or withdrawn.” *Id.*

17           120. According to the State’s guidance, signs of child abuse also  
18 include a parent that “denies the existence of—or blames the child for—  
19 the child’s problems in school or at home” or a parent that sees his or  
20 her child as “burdensome.” *Id.*

21           121. According to the State’s guidance, signs of child neglect  
22 include a child that lacks “needed” immunizations. *Id.* at 4. The  
23 guidance does not define “needed.”

1           122. According to the State’s guidance, mandatory reporters must  
2 also look for signs of “emotional maltreatment,” which include a child  
3 who “shows extremes in behavior” or is “delayed in physical or  
4 emotional development.” *Id.* at 5.

5           123. Under Washington’s mandatory reporter law, a “child” is any  
6 person under the age of eighteen. RCW § 26.44.020(2).

7           124. Nothing in Washington’s mandatory reporter law or in the  
8 Department’s Guidance clarifies how mandatory reporters are to apply  
9 these factors differently to an infant, a five-year-old, and a seventeen-  
10 year-old.

11           **D. Washington allows many secular privileges to**  
12           **override its mandatory reporter law.**

13           125. Washington’s secular mandatory reporters include doctors,  
14 nurses, psychologists, pharmacists, dentists, medical examiners, law  
15 enforcement officers, child care providers, juvenile probation officers,  
16 professional school personnel, social service counselors, and employees  
17 of institutions of higher education. RCW §§ 26.44.020, 26.44.030(1)(a).

18           126. Washington’s mandatory reporter law defines “social service  
19 counselor” to include “anyone engaged in a professional capacity during  
20 the regular course of employment in encouraging or promoting the  
21 health, welfare, support, or education of children, or providing social  
22 services to adults or families, including mental health, drug and alcohol  
23 treatment, and domestic violence programs, whether in an individual

1 capacity, or as an employee or agent of any public or private  
2 organization or institution.” RCW § 26.44.020(28).

3 127. The *Clergy Discrimination Clause* facially discriminates  
4 against religion by treating clergy differently than the secular  
5 mandatory reporters listed in RCW 26.44.030. Other mandatory  
6 reporters are free to invoke any applicable privileged communication  
7 recognized in RCW 5.60.060, but clergy are categorically prohibited  
8 from invoking any privilege outlined in that statute in relation to their  
9 duties as a mandatory reporter.

10 128. The *Clergy Discrimination Clause* also facially discriminates  
11 against religion by treating the clergy-penitent privilege—the only type  
12 of privileged communication specific to clergy—differently than the  
13 secular privileged communications listed in RCW 5.60.060.

14 129. The secular privileged communications recognized by RCW  
15 5.60.060 include the attorney-client privilege, peer supporter privilege,  
16 the sexual assault advocate privilege, and the alcohol or drug recovery  
17 fellowship privilege.

18 130. Information learned from privileged attorney-client  
19 communications does not trigger mandatory reporting obligations. RCW  
20 §§ 5.60.060(2)(a), 26.44.030(1)(b).

21 131. Washington recognizes a privilege for a “peer supporter” that  
22 prohibits them from being “compelled to testify about any  
23 communication made to the peer supporter by the peer support services

1 recipient while receiving individual or group services.” RCW  
2 § 5.60.060(6)(a). A “peer supporter” includes a “law enforcement officer,”  
3 and such an officer is a mandatory reporter. RCW  
4 §§ 5.60.060(6)(b)(1)(A), 26.44.030(1)(a). There is no exception to the  
5 privilege for reporting obligations under RCW § 26.44.030.

6 132. Washington recognizes a privilege for “sexual assault  
7 advocate[s]” that prohibits them from being “examined as to any  
8 communication made between the victim and the sexual assault  
9 advocate” without the victim’s consent. RCW § 5.60.060(7). Sexual  
10 assault advocates are mandatory reporters. RCW § 26.44.020(28).  
11 Sexual assault advocate services are available to any survivor of sexual  
12 assault, including minors. There is no exception to the privilege for  
13 reporting obligations under RCW § 26.44.030.

14 133. Washington also recognizes a privilege for an “individual  
15 who acts as a sponsor providing guidance, emotional support, and  
16 counseling in an individualized manner to a person participating in an  
17 alcohol or drug addiction recovery fellowship.” RCW § 5.60.060(10).  
18 That individual “may not testify in any civil action or proceeding about  
19 any communication made by the person participating in the addiction  
20 recovery fellowship to the individual who acts as a sponsor except with  
21 the written authorization of that person.” *Id.* These sponsors are  
22 mandatory reporters, RCW § 26.44.020(28), but their privileged  
23

1 communications are exempted from the mandatory reporting  
2 requirement.

3 **III. The legislative history highlights the *Clergy***  
4 ***Discrimination Clause*'s hostility to religion.**

5 134. The legislative history reveals the *Clergy Discrimination*  
6 *Clause*'s hostility toward religion in three key ways.

7 135. First, Washington legislators emphasized that the *Clause*  
8 targets clergy—and only clergy—and rejected amendment after  
9 amendment that would have placed the clergy-penitent privilege on  
10 equal footing with secular privileges.

11 136. Second, Washington legislators manifested the religious  
12 animus motivating the *Clause*. They also ignored warnings from  
13 concerned citizens about grave free exercise of religion violations.

14 137. Third, at the same time the legislature considered and  
15 passed the *Clergy Discrimination Clause*, it also considered and passed  
16 a law confirming and expanding the attorney-client privilege exception  
17 to the mandatory reporting law.

18 **A. Washington legislators passed the *Clergy***  
19 ***Discrimination Clause* to target clergy.**

20 138. The Legislature repeatedly rejected amendments that would  
21 have placed the clergy-penitent privilege on equal or similar footing  
22 with secular privileges.

23 139. It rejected:



1           a.     Amendment 5375 AMH ABEL WICM 723, which  
 2     would have ensured that Washington’s mandatory reporter law  
 3     treated the clergy-penitent privilege and the attorney-client  
 4     privilege equally.<sup>15</sup>

5           b.     Amendment 5375 AMH DUFA WICM 724, which  
 6     would have ensured that Washington’s mandatory reporter law  
 7     treated the clergy-penitent privilege and the spousal or domestic  
 8     partner privilege equally.<sup>16</sup>

9           c.     Amendment 5375 AMH WALJ WICM 717, which  
 10    would have simply affirmed that the Washington legislature  
 11    “intends that clergy be treated the same as other mandatory  
 12    reporters,” acknowledges “that religious practices and religious  
 13    freedoms are protected by the Constitution of the United States,”  
 14    and “intends to respect church practices and sacred sacraments,  
 15    including the sacrament of penance and reconciliation.”<sup>17</sup>

16          d.     Amendment 5375 AMS HS S1120.1, which would have  
 17    preserved a narrow clergy-penitent privilege under Washington’s  
 18    mandatory reporter law.<sup>18</sup>

19   <sup>15</sup> 5375 AMH ABEL WICM 723, <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Amendments/House/5375%20AMH%20ABEL%20WICM%20723.pdf>.

20   <sup>16</sup> 5375 AMH DUFA WICM 724, <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Amendments/House/5375%20AMH%20DUFA%20WICM%20724.pdf>.

21   <sup>17</sup> 5375 AMH WALJ WICM 717, <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Amendments/House/5375%20AMH%20WALJ%20WICM%20717.pdf>.

22   <sup>18</sup> 5375 AMS HS S1120.1, <https://app.leg.wa.gov/committeeschedules/Home/Document/277885#toolbar=0&navpanes=0>. See also 5375 AMH ESLI WICM 721

1 140. During the Senate Human Services Committee meeting  
 2 when the amendment narrowing the privilege was introduced, Senator  
 3 Frame recognized that this amendment was “essentially the bill that  
 4 [she] offered last year.” (Feb. 5, Senate, 1:28:44).<sup>19</sup>

5 141. In 2024, Senator Frame sponsored SB 6298, which like  
 6 2025’s SB 5375 would have added clergy to the State’s list of mandatory  
 7 reporters.<sup>20</sup>

8 142. SB 6298 preserved what Senator Frame described as a  
 9 “narrowly defined” clergy-penitent privilege. (Feb. 16, House, 41:10).<sup>21</sup>

10 143. In 2024, Senator Frame described SB 6298 as a “compromise  
 11 solution” that she believed would not “caus[e] religious leaders to  
 12 violate their faith traditions.” (Feb. 16, House, 42:24).

13 144. But in 2025, Senator Frame said that she “did not feel” that  
 14 the same narrowed clergy-penitent privilege, proposed in 5375 AMS HS  
 15 S1120.1, “was a compromise I can make this year. So I’m urging a no  
 16 vote on this amendment. And I’ll note my deep disappointment in the  
 17

18 (same, rejected during April 11, 2025, house floor debate),

19 <https://lawfilesext.leg.wa.gov/biennium/2025-26/Pdf/Amendments/House/5375%20AMH%20ESLI%20WICM%20721.pdf>.

20 <sup>19</sup> Washington State Legislature, Senate Human Services Committee (Feb. 5, 2025, 8:00 AM), <https://tvw.org/video/senate-human-services-2025021111/?eventID=2025021111>.

21 <sup>20</sup> SB 6298, 2023-24 Leg., 2024 Regular Session (Wash.), <https://app.leg.wa.gov/billsummary?BillNumber=6298&Initiative=false&Year=2023>.

22 <sup>21</sup> Washington State Legislature, House Human Services, Youth & Early Learning  
 23 (Feb. 16, 2025, 8:00 AM), <https://tvw.org/video/house-human-services-youth-early-learning-2024021233/?eventID=2024021233>

1 ranking member’s offering of this amendment.” (Feb. 5, Senate, 1:28:45-  
2 29:05).<sup>22</sup>

3 **B. The legislative history shows Washington’s religious**  
4 **animus.**

5 145. The legislative history is replete with legislators showcasing  
6 their animus towards religion:

7 146. Senator Frame told Seattle Auxiliary Bishop Frank Schuster  
8 that “You’re failing us,” and it is “traumatizing” to emphasize the  
9 importance of “religious freedom.” (Jan. 28, Senate, 1:43:35).<sup>23</sup>

10 147. She stated that the impact of the bishop’s testimony “feels  
11 like an abusive relationship that we’re in, where we are repeatedly  
12 abused and people keep saying sorry.” (Jan. 28, Senate, 1:43:35).

13 148. She also criticized Bishop Schuster for allegedly “patting  
14 himself on the back” after he recounted a prior incident where he acted  
15 as a mandatory reporter upon being told about covered abuse outside  
16 the Sacrament of Confession, while insisting on protecting the absolute  
17 confidentiality of Confession itself. (Jan. 28, Senate, 1:22:40). Nobody on  
18 the Senate Human Services Committee rebuked or objected to these  
19 comments.  
20

---

21 <sup>22</sup> Washington State Legislature, Senate Human Services Committee (Feb. 5, 2025,  
22 8:00 AM), [https://tvw.org/video/senate-human-services-  
2025021111/?eventID=2025021111](https://tvw.org/video/senate-human-services-2025021111/?eventID=2025021111)

23 <sup>23</sup> Washington State Legislature, Senate Human Services Committee (Jan. 28, 2025,  
1:30 PM), <https://www.tvw.org/watch/?eventID=2025011502>.

1           149. Senator Frame claimed that the *Clergy Discrimination*  
2 *Clause* was “about separation of church and state .... We can establish  
3 our laws, they can have their rules and if they are in conflict, I believe  
4 they can change their rules, not insist that we change our state laws  
5 ....” (Mar. 14, House, 13:04-50).<sup>24</sup>

6           150. Representative Lillian Ortiz-Self said, “I truly believe that  
7 you don’t have religious freedom at the risk of hurting others.... My  
8 right to practice does not supersede the right of someone else to be  
9 safe.... So to me, it is critical that we pass legislation that is fair for  
10 all....” (Feb. 7, House, 13:34-14:35).<sup>25</sup>

11           151. Rep. Goodman said that holding clergy to the same  
12 standards as attorneys made clergy’s “threshold” for reporting abuse  
13 and neglect “too high.” (Mar. 19, House, 26:10).<sup>26</sup>

14           152. Numerous legislators and other concerned persons presented  
15 the grave religious freedom concerns but that the legislature  
16 nonetheless passed the *Clergy Discrimination Clause*.  
17  
18

19 <sup>24</sup> Washington State Legislature, House Early Learning & Human Services  
20 Committee (Mar. 14, 2025, 8:00 AM), [https://tvw.org/video/house-early-learning-  
human-services-2025031189/?eventID=2025031189](https://tvw.org/video/house-early-learning-human-services-2025031189/?eventID=2025031189).

21 <sup>25</sup> Washington State Legislature, House Early Learning & Human Services  
22 Committee (Feb. 7, 2025, 8:00 AM), [https://tvw.org/video/house-early-learning-  
human-services-2025021153/?eventID=2025021153](https://tvw.org/video/house-early-learning-human-services-2025021153/?eventID=2025021153).

23 <sup>26</sup> Washington State Legislature, House Early Learning & Human Services  
Committee (Mar. 19, 2025, 1:30 PM), [https://tvw.org/video/house-early-learning-  
human-services-2025021153/?eventID=2025021153](https://tvw.org/video/house-early-learning-human-services-2025021153/?eventID=2025021153).

1           153. Senator Christian stated that he would vote no on SB 5375  
2 as written because it was unconstitutional. (Feb. 5, Senate).<sup>27</sup>

3           154. David DeWolf, Professor Emeritus at Gonzaga Law School,  
4 warned a legislative committee that the *Clause* “not only [is] bad public  
5 policy, it’s unconstitutional.” (Feb. 4, House, 1:12:19).<sup>28</sup>

6           155. Luke Esser, testifying on behalf of the Washington State  
7 Catholic Conference, said that the *Clause* “creates a double standard  
8 which would discriminate against the one testimonial privilege in our  
9 state based on religious speech and the free exercise of religion.” (Mar.  
10 14, House, 1:41:10-30).<sup>29</sup>

11           156. Legislative hostility continued even after the *Clergy*  
12 *Discrimination Clause*’s passage.

13           157. In an interview after Defendant Ferguson signed SB 5375  
14 into law, Senator Frame claimed that “canon law has changed many  
15 times over the years in the Catholic faith. And there is nothing to say  
16 that they cannot change their rules to allow the reporting of, again,  
17  
18

19 <sup>27</sup> Washington State Legislature, Senate Human Services Committee (Feb. 5, 2025,  
20 8:00 AM), [https://tvw.org/video/senate-human-services-  
2025021111/?eventID=2025021111](https://tvw.org/video/senate-human-services-2025021111/?eventID=2025021111).

21 <sup>28</sup> Washington State Legislature, House Early Learning & Human Services  
22 Committee (Feb. 4, 2025, 1:30pm),  
<https://www.tvw.org/watch/?eventID=2025021151>.

23 <sup>29</sup> Washington State Legislature, House Early Learning & Human Services  
Committee (Mar. 14, 2025, 8:00 AM),  
<https://www.tvw.org/watch/?eventID=2025031189>.

1 real-time abuse and neglect of children. That is within their power to  
 2 change. And I think they should....”<sup>30</sup>

3 **C. HB 1171: Washington retains existing secular**  
 4 **privileges and expands the attorney-client privilege**  
 5 **exception.**

6 158. Attorneys are not named as mandatory reporters under  
 7 Washington law.

8 159. However, some attorneys are mandatory reporters because  
 9 they also function in a capacity that is designated as a mandatory  
 10 reporter. For example, law professors are mandatory reporters under  
 11 RCW § 26.44.030(f) when they are employees of institutions of higher  
 12 education.

13 160. During the 2025 session, the Washington legislature  
 14 considered and passed another bill to amend the State’s mandatory  
 15 reporting law, HB 1171.<sup>31</sup>

16 161. The stated purpose of HB 1171 is “to exempt[] attorney  
 17 higher education employees from mandated reporting ... as it relates to  
 18  
 19

---

20 <sup>30</sup> Sheraz Sadiq, *New Washington law making clergy mandatory reporters of abuse*  
 21 *draws investigation by US Justice Department*, OPB (May 14, 2025),  
 22 [https://www.opb.org/article/2025/05/14/think-out-loud-washington-law-clergy-](https://www.opb.org/article/2025/05/14/think-out-loud-washington-law-clergy-mandatory-reporters-sb-5375-senator-noel-frame/)  
 23 [mandatory-reporters-sb-5375-senator-noel-frame/](https://www.opb.org/article/2025/05/14/think-out-loud-washington-law-clergy-mandatory-reporters-sb-5375-senator-noel-frame/).

<sup>31</sup> HB 1171, 2025-26 Leg., 2025 Regular Session (Wash.),  
<https://app.leg.wa.gov/BillSummary/?BillNumber=1171&Year=2025&Initiative=false>  
 e.

1 information gained in the course of providing legal representation to a  
2 client.”<sup>32</sup>

3 162. Section 1 of the bill recognizes that it is “vitally important”  
4 that “employees in higher education” fulfill their mandatory reporting  
5 duties.

6 163. The second and third paragraphs of Section 1 expressed the  
7 Legislature’s finding that it was “necessary” to clarify that the attorney-  
8 client privilege always trumps a law professor’s duty as a mandatory  
9 reporter because otherwise “the values underlying the duty of lawyers  
10 to preserve the confidentiality of client information may be  
11 inadvertently undermined and violated.”

12 164. Likewise, legislators’ and witnesses’ comments on HB 1171  
13 show the inconsistency with protecting the relevant attorney-client  
14 privilege while sacrificing the clergy-penitent privilege.

15 165. Representative Gerry Pollett, an attorney and HB 1171’s  
16 primary sponsor, stressed the “very serious conflict” between an  
17 attorney’s professional responsibilities and the mandatory reporting  
18 law, which he warned “could eliminate any participation from the law  
19 school clinics.” (Feb. 5, House, 21:03).<sup>33</sup>

---

21 <sup>32</sup> SHB 1171 at 1:1-4, <https://lawfilesexternal.wa.gov/biennium/2025-26/Pdf/Bills/House%20Bills/1171-S.pdf?q=20250515232549>.

22 <sup>33</sup> Washington State Legislature, House Early Learning & Human Services  
23 Committee (Feb. 5, 2025, 1:30 PM), <https://tvw.org/video/house-early-learning-human-services-2025021152/?eventID=2025021152>.

1           166. In response to a colleague’s objection that the bill was  
2 inconsistent with the elimination of the relevant clergy-penitent  
3 privilege, Rep. Pollett said that the expanded attorney-client privilege  
4 “is narrow.” (Mar 17, House, 17:15).<sup>34</sup>

5           167. Professor Paul Holland, a member of the faculty at Seattle  
6 University School of Law, testified that HB 1171 was “necessary so that  
7 students and faculty representing clients through clinics in the state’s  
8 three law schools can maintain compliance with their professional  
9 ethical obligation.” (Mar 17, House, 27:40). Professor Holland  
10 represented that the “vital safety interest [in protecting children] will  
11 not be compromised by allowing faculty who are lawyers to protect  
12 confidential client information.” (Mar 17, House, 28:57).

13           168. On April 30, Governor Ferguson signed HB 1171 into law.

14 **IV. Washington is now the only state whose mandatory**  
15 **reporter law explicitly eliminates the relevant privilege for**  
16 **clergy while retaining the secular attorney-client privilege.**

17           169. Every state has a mandatory reporter law.

18           170. More than forty states have made clergy mandatory  
19 reporters.

20           171. But Washington is the only state to have explicitly abolished  
21 the clergy penitent exception to the mandatory reporting law while  
22 retaining secular privilege exemptions.

---

23 <sup>34</sup> Washington State Legislature, Senate Human Services (Mar. 17, 2025, 1:30 PM),  
<https://tvw.org/video/senate-human-services-2025031343/?eventID=2025031343>.



1           172. Though six other states' mandatory reporting laws  
2 (Oklahoma, Rhode Island, North Carolina, Tennessee, West Virginia,  
3 and Texas) *might* override the clergy-penitent privilege, none of those  
4 laws mirror Washington's.

5           173. Washington's mandatory reporter law shares some (but not  
6 all) features of the laws of those other states:

7           a.     **Like Tennessee and West Virginia**, Washington  
8 lists professions as mandatory reporters.

9           b.     **Like West Virginia**, Washington specifically  
10 designates clergy as mandatory reporters; the other states cover  
11 clergy through a general provision that requires anyone to report.

12           c.     **Like Texas**, Washington explicitly abrogates privilege  
13 for clergy; the other states have general provisions that might  
14 exclude the clergy-penitent privilege.

15           d.     Finally, **like Rhode Island, North Carolina,**  
16 **Tennessee, and West Virginia**, Washington preserves the  
17 secular attorney-client privilege.  
18  
19  
20  
21  
22  
23

174. However, only Washington's mandatory reporter law has all four of these characteristics:

	<b>Lists some professions as mandatory reporters</b>	<b>Clergy named as mandatory reporters</b>	<b>Penitential privilege explicitly revoked</b>	<b>Attorney-client privilege still honored</b>
<b>Oklahoma</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
<b>Rhode Island</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>
<b>North Carolina</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>
<b>Tennessee</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>Y</b>
<b>West Virginia</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>
<b>Texas</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>N</b>
<b>Washington</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

175. This comparison shows that Washington's mandatory reporter law, as amended by SB 5375, is unlike any other mandatory reporting law. Only Washington knowingly and explicitly makes it a crime for clergy to break their religious duty to maintain the absolute confidentiality of Confession, while at the same time respecting the attorney-client privilege and all other secular privileged communication recognized under state law.

176. There is no evidence that any of these six states have attempted to enforce their mandatory reporting laws against clergy who have honored their religious duty to maintain the confidentiality of Confession.

1           177. No court has held that a state’s mandatory reporter law may  
2       override the clergy-penitent privilege.

3           178. The vast majority of states have found that they can advance  
4       their compelling interest in protecting children without making it  
5       illegal for priests to honor their religious duty to maintain the  
6       confidentiality of Confession.

7       **V.    SB 5375 burdens religious exercise**

8           179. The failure to make a mandatory report under RCW  
9       § 26.44.030 is a gross misdemeanor, a criminal offense punishable with  
10      up to 364 days imprisonment, up to a \$5,000 fine, or both. RCW  
11      §§ 26.44.080, 9.92.020. Failure to report may also expose a mandatory  
12      reporter to civil tort liability. *See Evans v. Tacoma Sch. Dist. No. 10*,  
13      380 P.3d 553, 561 (Wash. Ct. App. 2016).

14          180. The *Clergy Discrimination Clause* burdens Plaintiffs’  
15      religious exercise because each of the Plaintiff Church’s priests and  
16      Plaintiff Wilkinson must either violate his religious convictions or face  
17      criminal punishment and civil liability.

18          181. The *Clergy Discrimination Clause* also burdens Plaintiffs’  
19      religious exercise because it impedes their ability to carry out their  
20      religious duties as spiritual fathers to the people whose spiritual  
21      wellbeing is entrusted to their care.

1           182. Plaintiffs believe they have a religious duty to address and  
2 remove impediments that chill those whom they serve from being able  
3 to access the sacrament of Confession.

4           183. Plaintiffs believe they have a religious duty to follow the  
5 example of Christ, the “good shepherd” who “lays down his life for his  
6 sheep,” (John 10:11) and who would leave his ninety-nine sheep to  
7 search after the one that is lost (Luke 15:4). Plaintiffs take to heart  
8 Jesus’ teaching that “there will be more joy in heaven over one sinner  
9 who repents than over ninety-nine righteous persons who need no  
10 repentance.” (Luke 15:7).

11           184. As such, Plaintiffs’ religious exercise is substantially  
12 burdened every time anyone under their pastoral care is dissuaded from  
13 coming to the Sacrament of Confession because of the *Clergy*  
14 *Discrimination Clause*, or who holds back any sin because of the *Clergy*  
15 *Discrimination Clause’s* chilling effect.

16           185. Plaintiffs believe this is true not only for those who may  
17 confess their sins in a quest to obtain forgiveness from God (cf. John  
18 20:23; James 5:16), but also all those who come to the Sacrament of  
19 Confession in search of spiritual healing after having been hurt by the  
20 sins of others. Extraordinarily sensitive communications are made in a  
21 sacramental Confession precisely because the speaker is aware of the  
22 well-known and firmly established rule mandating the absolute  
23 confidentiality of such sacred conversations.



1           190. The Free Exercise Clause of the First Amendment to the  
2 United States Constitution, as applied to the states by the Fourteenth  
3 Amendment, prohibits the state from abridging Plaintiffs' rights to free  
4 exercise of religion.

5           191. The *Clergy Discrimination Clause*, on its face and as applied,  
6 targets Plaintiffs' sincerely held religious convictions and duties by  
7 facially targeting religion, embodying animus towards religion, and  
8 treating other practices more favorably than religious ones.

9           192. Laws that burden the exercise of religion must meet strict  
10 scrutiny, the most rigorous test in constitutional law.

11           193. Laws that burden the exercise of religion must at least be  
12 both neutral and generally applicable to avoid strict scrutiny.

13           194. The *Clergy Discrimination Clause* burdens Plaintiffs'  
14 sincerely motivated exercise of religion. It puts Plaintiffs to the choice  
15 between following their sincere religious obligation to maintain the  
16 confidentiality of Confession and violating SB 5375, which is a gross  
17 misdemeanor, or following SB 5375 and violating their obligation to  
18 maintain the confidentiality of confession, risking serious canonical  
19 penalties, including removal from the priesthood to which they have  
20 devoted their lives.

21           195. This burden stands out all the more because the Washington  
22 legislature explicitly avoided imposing on secular professions, including  
23

1 lawyers a comparable Hobson’s choice—between the duty to report and  
2 a professional obligation.

3 196. For a law to be “generally applicable,” the government must  
4 not treat comparable secular activity more favorably than the burdened  
5 religious exercise.

6 197. A law is not “neutral” if it targets religious beliefs as such or  
7 if the object or purpose of a law is the suppression of religious conduct.

8 198. The *Clergy Discrimination Clause* is neither neutral nor  
9 generally applicable, both on its face and as applied.

10 199. The *Clergy Discrimination Clause* is not neutral because it  
11 facially targets Plaintiffs’ sincerely motivated religious obligation to  
12 maintain the absolute confidentiality of Confession.

13 200. The *Clergy Discrimination Clause* explicitly forbids  
14 “members of the clergy”—and *only* members of the clergy—from  
15 invoking an otherwise available evidentiary privilege as codified in  
16 RCW § 5.60.060.

17 201. The *Clause* also flunks neutrality because Washington  
18 passed it out of religious animus.

19 202. Senator Frame stated that religious communities should  
20 “change their rules, not insist that we change our state laws.”

21 203. Yet the Washington Legislature, during the same session,  
22 passed another law that changed Washington’s mandatory reporter law  
23 to accommodate the secular attorney-client privilege.

1           204. The *Clergy Discrimination Clause* is not generally applicable  
2 because it exempts secular conduct that risks undermining any asserted  
3 government interest at least as much as, and in reality more than,  
4 priests abiding their religious duty to maintain the inviolability of the  
5 confidentiality of confession.

6           205. Secular attorneys are categorically exempt from the  
7 mandatory reporting requirement.

8           206. Exempting attorneys, but not priests, undermines SB 5375's  
9 general applicability and triggers strict scrutiny.

10          207. The *Clergy Discrimination Clause* is not the least restrictive  
11 means of achieving an otherwise permissible government interest.

12          208. Eliminating the clergy-penitent privilege is not necessary or  
13 narrowly tailored to advance the state interests that support mandatory  
14 reporting laws for at least five reasons.

15          209. First, Defendants could have made clergy mandatory  
16 reporters without eliminating the privilege, as most states have done.

17          210. Second, as a legislator conceded, the similar attorney-client  
18 privilege is a "narrow" exception. The clergy-penitent privilege is  
19 likewise a "narrow" exception to the mandatory reporting law that is  
20 necessary to respect fundamental religious exercise.

21          211. Third, independent of legal obligations, Plaintiffs already  
22 report suspected abuse and neglect that they discovery *outside* the  
23 context of Confession or other privileged communications, and they



1 otherwise take steps to promote justice for children who may have  
2 suffered abuse or neglect.

3 212. Fourth, the *Clergy Discrimination Clause*'s vague and broad  
4 terms require clergy, on threat of criminal liability, to report a large  
5 range of behavior that is not necessarily criminal. It thus requires  
6 clergy to break the confidentiality of Confession in many cases. To  
7 paraphrase the Department, when in doubt, clergy should report.

8 213. Fifth, the *Clergy Discrimination Clause*'s vague and broad  
9 terms will dissuade penitents from confessing a wide variety of behavior  
10 that may or may not constitute criminal behavior. If penitents do not  
11 confess these sins, Plaintiffs will have no opportunity to help them  
12 make amends and reconcile them to God, both of which are critical  
13 parts of their religious exercise.

14 214. The *Clergy Discrimination Clause*, on its face and as applied,  
15 will cause irreparable harm and actual and undue hardship to Plaintiffs  
16 from violation of their sincerely held religious obligation to categorically  
17 maintain the inviolable confidentiality of Confession.

18 215. Plaintiffs have no adequate remedy at law to prevent the  
19 violation of their constitutional liberties and sincerely held religious  
20 beliefs.

**COUNT II**  
**VIOLATION OF THE FREE EXERCISE AND ESTABLISHMENT**  
**CLAUSES OF THE FIRST AMENDMENT, CHURCH AUTONOMY**  
**(42 U.S.C. § 1983)**

216. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs 1–188 above as if fully set forth here.

217. The Free Exercise Clause and Establishment Clause of the First Amendment (“Religion Clauses”), as applied to the states by the Fourteenth Amendment, prohibit the State from abridging the fundamental “autonomy” of religious institutions.

218. The Religion Clauses protect the right of churches and other religious institutions to decide matters of faith and doctrine without government intrusion.

219. Churches have autonomy over questions of discipline, or of faith, or ecclesiastical rule, custom, or law.

220. The First Amendment protects churches’ independence from secular control or manipulation—in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.

221. The *Clergy Discrimination Clause*’s encroachment on the confidentiality of Confession violates church autonomy by directly interfering with Plaintiffs’ centuries-old internal decision to maintain confessional secrecy to carry out Jesus’s explicit instructions to forgive the sins of repentant sinners.

1           222. The *Clergy Discrimination Clause* thus interferes with  
2 Plaintiff Churches on a critical matter of “faith and doctrine” and  
3 directly inhibits the “faith and mission of the church itself,” *i.e.*, its  
4 direct scriptural call to facilitate the forgiveness of the sins of penitents.

5           223. As Senator Frame stated in her closing speech on the Senate  
6 floor, the *Clergy Discrimination Clause* effectively requires “religious  
7 communit[ies] to change their rules” with respect to the confidentiality  
8 of Confession.

9           224. Accordingly, the *Clergy Discrimination Clause*, on its face  
10 and as applied, will cause irreparable harm to Plaintiffs and their  
11 penitents.

12           225. Plaintiffs have no adequate remedy at law for the  
13 deprivation of their rights under the Religion Clauses of the First  
14 Amendment.

15                                   **COUNT III**  
16           **VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE**  
17           **FOURTEENTH AMENDMENT TO THE UNITED STATES**  
18           **CONSTITUTION**  
19           **(42 U.S.C. § 1983)**

20           226. Plaintiffs hereby reallege and adopt each and every  
21 allegation in paragraphs 1–188 above as if fully set forth here.

22           227. The Fourteenth Amendment to the United States  
23 Constitution guarantees Plaintiffs’ right to equal protection under the  
law.

1           228. The Equal Protection Clause requires heightened judicial  
2 scrutiny for both unequal treatment of a protected class and unequal  
3 treatment based on a fundamental right.

4           229. The *Clergy Discrimination Clause* burdens Plaintiffs’  
5 fundamental First Amendment rights and targets a suspect class (*i.e.*,  
6 religious adherents).

7           230. The free exercise of religion, as the first right in the U.S.  
8 Constitution’s enumerated Bill of Rights, is a fundamental right.

9           231. By mandating disclosures from clergy while exempting the  
10 same disclosures from attorneys, peer supporters, sexual assault  
11 advocates, and alcohol or drug recovery sponsors, the *Clergy*  
12 *Discrimination Clause* targets religious adherents.

13           232. Clergy are similarly situated to attorneys, peer supporters,  
14 sexual assault advocates, and alcohol or drug recovery sponsors for  
15 purposes of retaining privilege with respect to mandatory reporting  
16 obligations.

17           233. The *Clergy Discrimination Clause* must thus meet strict  
18 scrutiny, which requires Defendants to show that it is the least  
19 restrictive means to achieve a compelling government interest.

20           234. The *Clergy Discrimination Clause* fails strict scrutiny under  
21 the Equal Protection Clause for the same reasons discussed under  
22 Count I. *See supra* ¶¶ 207–13.

1           235. There is no rational, legitimate, or compelling interest in SB  
2 5375's application of different standards to different, similarly situated  
3 individuals in Washington.

4           236. The *Clergy Discrimination Clause*, on its face and as applied,  
5 will cause irreparable harm to Plaintiffs and their penitents.

6           237. Plaintiffs have no adequate remedy at law for the  
7 deprivation of their rights under the Equal Protection Clause.

8                                   **COUNT IV**  
9                                   **VIOLATION OF THE FREE SPEECH CLAUSE OF THE FIRST**  
10                                  **AMENDMENT, COMPELLED SPEECH**  
                                      **(42 U.S.C. § 1983)**

11           238. Plaintiffs hereby reallege and adopt each and every  
12 allegation in paragraphs 1–188 above as if fully set forth here.  
13 The First Amendment's Free Speech Clause prohibits Defendants from  
14 compelling speech. Compelled speech imposes greater harm than  
15 censorship, and so requires an even more urgent justification.

16           239. The *Clergy Discrimination Clause* compels Plaintiffs' speech  
17 by mandating that they report what they learned during Confession.

18           240. The *Clergy Discrimination Clause* compels Plaintiffs to  
19 speak about what they heard during Confession—speech that their  
20 religion mandates must remain confidential.

21           241. State action compelling speech, like the *Clergy*  
22 *Discrimination Clause*, is unconstitutional.

1           242. The *Clergy Discrimination Clause* must meet at least strict  
2 scrutiny, which requires Defendants to show it is the least restrictive  
3 means to a compelling government interest.

4           243. State action that compels speech inherently discriminates  
5 based on content, meaning it triggers strict scrutiny for that  
6 independent reason.

7           244. The vague and broad terms employed by Washington's  
8 mandatory reporting law grant Washington officials unbridled  
9 discretion to discriminate against Plaintiffs and other similarly situated  
10 in enforcing the law.

11           245. Unbridled discretion is impermissible viewpoint  
12 discrimination, which is unconstitutional and at least triggers strict  
13 scrutiny.

14           246. The *Clause* fails strict scrutiny for the reasons discussed  
15 above. *See supra* ¶¶ 207–13.

16           247. Accordingly, the *Clergy Discrimination Clause*, on its face  
17 and as applied, will cause irreparable harm to Plaintiffs and their  
18 penitents.

19           248. Plaintiffs have no adequate remedy at law for the  
20 deprivation of their rights under the First Amendment.

**COUNT V**  
**VIOLATION OF THE DUE PROCESS CLAUSE OF THE**  
**FOURTEENTH AMENDMENT TO THE UNITED STATES**  
**CONSTITUTION**  
**(42 U.S.C. § 1983)**

249. Plaintiffs hereby reallege and adopt each and every allegation in paragraphs 1–188 above as if fully set forth here.

250. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs’ right to due process.

251. Due process requires that people of ordinary intelligence be able to understand what conduct a given statute prohibits.

252. A statute that fails to provide this fair notice and clear guidance is void for vagueness.

253. A statute that authorizes or even encourages arbitrary or discriminatory enforcement is void for vagueness.

254. The *Clergy Discrimination Clause* threatens criminal penalties for failing to comply with Washington’s vague terms.

255. Washington’s mandatory reporting law requires reports of a broad range of conduct, which incentivizes over reporting.

256. For example, Washington does not define what a “credible” allegation is.

257. Washington does not define what are “transient” or “temporary” events that do not trigger the mandatory reporting law.

258. Washington does not define what “health, welfare, or safety” means so as to trigger the mandatory reporting duty.

1           259. Nothing in Washington’s mandatory reporter law or in the  
2 Department’s Guidance clarifies how the mandatory reporting duty  
3 differs, if at all, to an infant, a five-year-old, and a seventeen-year-old.

4           260. Plaintiffs and others must thus guess as to what duties they  
5 have under the mandatory reporting law.

6           261. These vague terms under Washington law encourage  
7 arbitrary and discriminatory enforcement of the mandatory reporting  
8 law, including against Plaintiffs.

9           262. Thus, removing privileged communications exemptions to  
10 the mandatory reporting requirement for Plaintiffs is void for  
11 vagueness and violates Plaintiffs’ Fourteenth Amendment rights.

12                           **PRAYER FOR RELIEF**

13           WHEREFORE, Plaintiffs respectfully pray for relief as follows as  
14 to all Counts:

15           (A). A statewide temporary restraining order and/or preliminary  
16 injunction, followed by a permanent injunction, restraining and  
17 enjoining the Defendants, their officers, agents, employees, attorneys  
18 and successors in office, and all other persons in active concert or  
19 participation with them, from enforcing, threatening to enforce,  
20 attempting to enforce, or otherwise requiring compliance with the  
21 *Clergy Discrimination Clause* in RCW § 26.44.030(1)(b) facially and as  
22 applied to Plaintiffs and all others similarly situated;



(B). A declaratory judgment declaring that the *Clergy Discrimination Clause*, both on its face and as applied to Plaintiffs and all others similarly situated, is unconstitutional under the First and Fourteenth Amendments.

(C). An award of reasonable costs and expenses of this action, including a reasonable attorney's fee, in accordance with 42 U.S.C. § 1988; and

(D). Such other and further relief as the Court deems equitable and just under the circumstances.

Dated: June 16, 2025

Respectfully submitted,

/s/ Katherine Anderson

Eric Kniffin\*  
CO Bar 48016  
KNIFFIN LAW PLLC  
102 S. Tejon St., Suite 1100  
Colorado Springs, CO 80903  
(719) 212-4391  
eric@kniffin.law

Kristen K. Waggoner  
WA Bar No. 27790  
AZ Bar No. 32382  
Katherine Anderson  
WA Bar No. 41707  
AZ Bar No. 29490  
Ryan Tucker\*  
AZ Bar No. 034382  
Mark Lippelmann\*  
AZ Bar No. 036553  
ALLIANCE DEFENDING FREEDOM  
15100 N. 90th Street  
Scottsdale, AZ 85260  
Telephone: (480) 444-0020  
kwaggoner@ADFlegal.org  
kanderson@ADFlegal.org  
rtucker@ADFlegal.org  
mlippelmann@ADFlegal.org

George M Ahrend  
WA Bar No. 25160  
AHREND LAW FIRM PLLC  
421 W. Riverside Ave.  
Suite 1060  
Spokane, WA 99201  
Telephone: (206) 467-6090  
George@luveralawfirm.com

1 John J. Bursch  
2 MI Bar No. P57679  
3 Mathew W. Hoffmann\*  
4 VA Bar No. 100102  
5 ALLIANCE DEFENDING FREEDOM  
6 44180 Riverside Parkway  
7 Lansdowne, VA 20176  
8 Telephone: (571) 707-4655  
9 *Counsel for Plaintiffs* jbursch@ADFlegal.org  
10 mhoffmann@ADFlegal.org  
11

8 David A. Cortman  
9 GA Bar No. 188810\*  
10 ALLIANCE DEFENDING FREEDOM  
11 1000 Hurricane Shoals Rd. NE  
12 Suite D-1100  
13 Lawrenceville, GA 30043  
14 Telephone: (770) 339-0774  
15 dcortman@adflegal.org

13 \*Motion for admission *Pro Hac*  
14 *Vice* filed concurrently  
15  
16  
17  
18  
19  
20  
21  
22  
23

## 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**

ORTHODOX CHURCH IN AMERICA; ANTIOCHIAN  
ORTHODOX CHRISTIAN ARCHDIOCESE OF NORTH

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

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

see attachment

**DEFENDANTS**

ROBERT W. FERGUSON, Governor of the State of  
Washington, in his official capacity; NICHOLAS W. BROWN

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 ☒ 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                   | <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)

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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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)

- ☒ 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 - 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):  
42 U.S.C. 1983

Brief description of cause:

Washington SB 5375 violates the First Amendment to the United States Constitution

**VII. 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

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jun 16, 2025

SIGNATURE OF ATTORNEY OF RECORD

s/ Katherine Anderson

**FOR OFFICE USE ONLY**

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

# 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven 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.
- 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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. 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.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

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

**ATTACHMENT TO CIVIL COVER SHEET****Plaintiffs****Orthodox Church in America****Antiochian Orthodox Christian  
Diocese of North America****Romanian Orthodox Metropolia of  
the Americas****Western American Diocese of the  
Russian Orthodox Church Outside  
of Russia**

and

**Timothy Wilkinson****Counsel for Plaintiffs**

Kristen K. Waggoner

WA Bar No.27790

AZ Bar. No. 32382

Katherine Anderson

WA Bar No. 41707

AZ Bar No. 29490

Ryan Tucker\*

AZ Bar No. 034382

Mark Lippelmann\*

AZ Bar No. 036553

**ALLIANCE DEFENDING FREEDOM**

15100 N. 90th Street

Scottsdale, AZ 85260

Telephone: (480) 444-0020

Mathew W. Hoffmann\*

VA Bar No. 100102

**ALLIANCE DEFENDING FREEDOM**

44180 Riverside Parkway

Lansdowne, VA 20176

Telephone: (571) 707-4708

John Bursch\*

MI Bar No. P57679

**ALLIANCE DEFENDING FREEDOM**

440 First Street NW, Suite 600

Washington, DC 20001

Telephone: (480) 388-8001

Dave Cortman\*

GA Bar No. 188810

**ALLIANCE DEFENDING FREEDOM**1000 Hurricane Shoals Rd NE, Suite  
D1100

Lawrenceville, GA 30043

Telephone: (404) 937-6397

Eric Kniffin\*

CO Bar No. 48016

**KNIFFIN LAW**

102 S. Tejon St., Suite 1100

Colorado Springs, CO 80903

Telephone: (719) 212-4391

George M. Ahrend

WA Bar No. 25160

**AHREND LAW FIRM**

421 W. Riverside Ave., Suite 1060

Spokane, WA 99201

Telephone: (206) 467-6090

\*Motion(s) for *Pro Hac Vice* admission  
filed concurrently

### Defendants

**Robert W. Ferguson**, in his official capacity as Governor of the State of Washington;

**Nicholas W. Brown**, in his official capacity as Attorney General of the State of Washington;

**Larry Haskell**, in his official capacity as Spokane County Prosecuting Attorney;

**Joseph Brusic**, in his official capacity as Yakima County Prosecuting Attorney;

**Leesa Manion**, in her official capacity as King County Prosecuting Attorney;

**Randy Flyckt**, in his official capacity as Adams County Prosecuting Attorney;

**Curt Liedkie**, in his official capacity as Asotin County Prosecuting Attorney;

**Eric Eisinger**, in his official capacity as Benton County Prosecuting Attorney;

**Robert Sealby**, in his official capacity as Chelan County Prosecuting Attorney;

**Mark Nichols**, in his official capacity as Clallam County Prosecuting Attorney;

**Tony Golik**, in his official capacity as Clark County Prosecuting Attorney;

**Dale Slack**, in his official capacity as Columbia County Prosecuting Attorney;

**Ryan Jurvakainen**, in his official capacity as Cowlitz County Prosecuting Attorney;

**Gordon Edgar**, in his official capacity as Douglas County Prosecuting Attorney;

**Michael Golden**, in his official capacity as Ferry County Prosecuting Attorney;

**Shawn Sant**, in his official capacity as Franklin County Prosecuting Attorney;

**Mathew Newberg**, in his official capacity as Garfield County Prosecuting Attorney;

**Kevin McCrae**, in his official capacity as Grant County Prosecuting Attorney;

**Norma Tillotson**, in her official capacity as Grays Harbor County Prosecuting Attorney;

**Greg Banks**, in his official capacity as Island County Prosecuting Attorney;

**James Kennedy**, in his official capacity as Jefferson County Prosecuting Attorney;



**Chad Enright**, in his official capacity as Kitsap County Prosecuting Attorney;

**Greg Zempel**, in his official capacity as Kittitas County Prosecuting Attorney;

**David Quesnel**, in his official capacity as Klickitat County Prosecuting Attorney

**Jonathan Meyer**, in his official capacity as Lewis County Prosecuting Attorney;

**Ty Albertson**, in his official capacity as Lincoln County Prosecuting Attorney;

**Michael Dorcy**, in his official capacity as Mason County Prosecuting Attorney;

**Albert Lin**, in his official capacity as Okanogan County Prosecuting Attorney;

**Michael Rothman**, in his official capacity as Pacific County Prosecuting Attorney;

**Dolly Hunt**, in her official capacity as Pend Orielle County Prosecuting Attorney;

**Mary Robnett**, in her official capacity as Pierce County Prosecuting Attorney;

**Amy Vira**, in her official capacity as San Juan County Prosecuting Attorney;

**Rich Weyrich**, in his official Capacity as Skagit County Prosecuting Attorney;

**Adam Kick**, in his official capacity as Skamania County Prosecuting Attorney;

**Jason Cummings**, in his official capacity as Snohomish County Prosecuting Attorney;

**Erika George**, in her official capacity as Stevens County Prosecuting Attorney;

**Jon Tunheim**, in his official capacity as Thurston County Prosecuting Attorney;

**Daniel Bigelow**, in his official capacity as Wahkiakum County Prosecuting Attorney;

**Gabriel Acosta**, in his official capacity as Walla Walla County Prosecuting Attorney;

**Eric Richey**, in his official capacity as Whatcom County Prosecuting Attorney;

and

**Denis Tracy**, in his official capacity as Whitman County Prosecuting Attorney

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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



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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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



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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

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 \$ \_\_\_\_\_.

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_



---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_

---

---

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 \$ \_\_\_\_\_.

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_



---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_



---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*  
v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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

\_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_ .

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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



---

---

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 \$ \_\_\_\_\_ .

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_.

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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



---

---

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 \$ \_\_\_\_\_ .

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_



---

---

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 \$ \_\_\_\_\_ .

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

## UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_.

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:



---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_



---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

## UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_ .

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

---

---

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

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:

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

---

---

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 \$ \_\_\_\_\_ .

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )

Civil Action No.

**SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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



---

---

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 \$ \_\_\_\_\_ .

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:



---

---

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 \$ \_\_\_\_\_ .

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:

Date \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_ .

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

UNITED STATES DISTRICT COURT

for the

\_\_\_\_ District of \_\_\_\_\_

Plaintiff(s)

V.

Civil Action No.

Defendant(s)

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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 \_\_\_\_\_

---

---

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 \$ \_\_\_\_\_.

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

---



---

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
Civil Action No.\_\_\_\_\_  
*Defendant(s)***SUMMONS IN A CIVIL ACTION**To: *(Defendant's name and address)*

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:

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



---

---

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 \$ \_\_\_\_\_ .

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: