

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.



BOBBY JINDAL
GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana
Division of Administration
Office of Community Development

December 14, 2009

Mr. Carl Bernofsky
109 Southfield Road, Apt 51H
Shreveport, LA 71105

RE: Carl Bernofsky and Shirley G Bernofsky
v. The Road Home Corporation, et al
#5:09CV1919 – USDC, Western District of Louisiana

Dear Mr. Bernofsky:

We are attaching the Waivers of Service of Summons executed by Mr. Paul Rainwater on behalf of Division of Administration/Office of Community Development and the Louisiana Recovery Authority. We are returning your original package directed to Road Home Corporation as we are not the party to accept and/or waive service on behalf of Road Home Corporation.

With kindest regards, we remain

Sincerely,

A handwritten signature in black ink, appearing to read "Jackie V. West".

Jackie V. West
Assistant to Daniel A Rees
Executive Counsel

Enclosures

Cc: AJ Krouse III (w/encls.)
Frilot LLC