

Serving An Individual

Federal Rule of Civil Procedure 4(e) and the Court's local rules say that after filing a lawsuit against an individual, or person in his or her individual capacity (like a government official who you are suing for damages), you must "serve" him or her with the summons, complaint, and magistrate consent form. To do this,

- A person over 18 years old (cannot be you or any party to the case)
- should deliver a copy of the summons, your complaint, and a magistrate consent form in one of the following ways:
 1. by handing the papers to the individual who you sued (the defendant), wherever you can find him/her;
 2. by going to the defendant's home and handing the papers to a person who lives with the defendant, is over 18, and is competent;
 3. by going to the defendant's usual workplace and handing the papers to the ****defendant's supervisor, secretary, administrative assistant, bookkeeper, human resources representative or managing agent****;

These are the specific people at the workplace who the law says can accept service of your papers. Your process server should not leave the papers with just any coworker or unauthorized person at the workplace.
 4. or by serving someone else authorized by law to accept these papers. (Read Federal Rule of Civil Procedure 4(e) and Colorado Rule of Civil Procedure 4(e) for more information on who is authorized.)
- **ONE LAST THING:** the person who delivers the documents must fill out a Proof of Service form (attached). You will file this with the Court to prove that the documents were served.

Civil Action No. _____

PROOF OF SERVICE

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

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

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

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

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

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: