

INSTRUCTIONS

Starting a Civil Case in District Court

Forms you will need for your civil lawsuit:

- *Summons* (CIV802);
- *Complaint* (CIV803);
- *Affidavit of Personal Service* (SOP102) or *Notice of Lawsuit and Request for Waiver of Service of Summons* (CIV022A) and *Waiver of Service of Summons* (CIV022B); and
- *Civil Cover Sheet* (CIV117).

Overview of Steps in a Civil Lawsuit

1. Complete the court forms, following all of the steps in these *Instructions*;
2. Arrange for waiver of service or personal service on the other party(ies);
3. File the original forms with the Court (filing fee or fee waiver order is required);
4. Appear at the hearing(s).

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit www.mncourts.gov/helptopics
- Call the Statewide Self-Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit <http://www.mncourts.gov/Help-Topics/Find-a-Lawyer.aspx>

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information About Starting a Civil Lawsuit

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. If you do not understand any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

Important! This packet covers only the very beginning of a civil lawsuit.



If you are thinking about starting a civil lawsuit, you are strongly encouraged to get legal advice about your situation to see if you have a valid legal claim. It is especially important to get legal advice if your claim involves real estate.

Representing Yourself

If you decide to represent yourself, you will be expected to know and understand the court rules and procedure, and everything else that is involved in representing yourself.

Helpful resources include:

- [“What to Expect as a Self-Represented Petitioner or Defendant in a Civil Trial”](http://www.mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx) a booklet on the MN Judicial Branch website at <http://www.mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx>
- General information about civil lawsuits (civil cases) is found online at <http://www.mncourts.gov/Help-Topics/Civil-Actions.aspx>.
- There are very specific rules about civil lawsuits. The rules are located in the Minnesota Rules of Civil Procedure and the Minnesota Rules of Practice. These rules can be found online at <http://www.mncourts.gov/SupremeCourt/Court-Rules.aspx>.
- Unless the court issues an order saying something different, what you file will become a public record and can be viewed by the public. You can find the Rules of Public Access to the Records of the Minnesota Judicial Branch online at <https://www.mncourts.gov/SupremeCourt/Court-Rules.aspx> .

Forms for Starting a Civil Lawsuit

A civil lawsuit begins by preparing documents (*Summons* and *Complaint*) and having them personally served on the other party(ies) or the other party(ies) waiving service. These forms and the process are explained in more detail below.

Step 1
Fill out the *Summons* (CIV802)

The *Summons* tells the other party that you are starting a lawsuit and that they must complete and serve an *Answer* to the *Complaint*. **If the Plaintiff or Defendant is a corporation, it must be represented by a licensed attorney in a civil lawsuit in District Court.**

The Caption:

The top part of the first page is where you will find the case caption. It looks like this:

State of Minnesota		District Court
County	A	Judicial District: _____ Court File Number: _____ Case Type: _____
_____ Plaintiff(s)		
vs.	B	Civil Summons
_____ Defendant(s)		


- A. At the top of the page fill in the following information:
- Fill in the county where you are filing your case.
 - Fill in the Judicial District of the county where you are filing your case. If you do not know the Judicial District, go to <http://www.mncourts.gov/Find-Courts.aspx> to find that information. **If you are not sure what county to file your case in, you should get legal advice.** Court staff cannot tell you where to file.
 - Leave the Court File Number blank. You will be assigned a Court File Number after you file your paperwork.
 - Fill in the Civil Case Type. If you do not know the Civil Case Type, you can find the list of Civil Case Types at https://www.mncourts.gov/mncourtsgov/media/scao_library/documents/eFile%20Support/Handout-Civil-Case-Type-Index.pdf.

B. Parties in the Case.

- You are the Plaintiff. Fill your full legal name or business name as it is registered with the Secretary of State.
- The person(s) and/or company(ies) you are suing is the Defendant. Fill the name or names of the person(s) or company(ies) that you are suing.
 - If the Defendant is a business, you can contact the Minnesota Secretary of State to get the correct name for the business and the names of persons who may be served on behalf of the business (called agents). The phone number for the MN Secretary of State is 651-296-2803 and the website is www.sos.state.mn.us.

The Notice

This Summons is directed to:




1. **You are being sued.** The Plaintiff has started a lawsuit against you. The *Complaint* is attached to this *Summons*. Do not throw these papers away. They are official papers that start a lawsuit and affect your legal rights, even if nothing has been filed with the court.


- C. Fill in the name of the Defendant. If there are more than 1 Defendant, list only one name. You will need a separate *Summons* for each Defendant you listed in the caption.

2. **You must reply, in writing, within 21 days to protect your rights.** You must serve a copy of your *Answer or Answer and Counterclaim (Answer)* within 21 days from the date you received the *Summons* and *Complaint*. You can find the *Answer* form and instructions on the MN Judicial Branch website at www.mncourts.gov/forms under the “Civil” category. The instructions will explain in detail how to fill out the *Answer* form.

To protect your rights, you must serve a copy of your *Answer* on the person who signed this *Summons* in person or by mail at this address:



- D. Fill in your full address.

Date _____	Signature _____
	Name: _____
	Address: _____
	City, State, Zip: _____
	Telephone: _____
	E-mail: _____

E. Fill in the date and sign the *Summons*. Fill in your personal contact information.

Step 2
Fill out the *Complaint* (CIV803)

The *Complaint* is the statement of the facts that explain why you should have the result you are requesting. It should be organized by paragraphs so that the Defendant and the court quickly and clearly understand what you want from the Defendant and why.

The Caption

The caption in the *Complaint* should look exactly the same as the caption in the *Summons*.

The Facts and Complaints

The Plaintiff has the following complaints and alleges the following against Defendant:

If you have more than 1 complaint against Defendant, list each complaint separately, including any supporting facts.

1. _____

2. _____

3. _____

4. _____

5. For any other relief the court feels is fair and equitable.

You need to state the facts and the legal cause(s) of action that support your facts and allegations. The following is general information that is usually included in this section of the *Complaint*:

- In paragraph 1, your name and address and that you are the Plaintiff in this case.
- In paragraph 2, the name and address of the Defendant.
- In the next paragraphs, what happened between you and the Defendant. Include the most important facts. Do not tell your case in one long paragraph. Separate it into shorter paragraphs to make it easier to read.
- Include how much the Defendant owes you or the property that the Defendant should give you.
- Include any legal cause(s) of action that support your facts. If you aren't sure what legal causes of action you have, you should get legal advice.

If you need more room, add paper. Do not use the margins or the back of the page.

The Relief (what you are requesting from the Defendant)

Based on the complaints above, Plaintiff demands the following relief:

1. _____

2. _____

3. _____

4. _____

This is where you state what you want the court to order. This section should generally include the following information:

- If the Defendant owes you money, you can say something like “Judgment against Defendant for \$ _____, plus interest, costs and disbursements.”
- If you want the Defendant to do a specific act, you can say something like “That Defendant be ordered to _____.”
- You may want the court to award a judgment to you and to order the Defendant to do something specific. Your request should list all the things you want the court to order.

- If you aren't sure what you want to ask the court to order, you should get legal advice.

The Acknowledgement

Date _____	Signature _____
	Name: _____
	Address: _____
	City, State, Zip: _____
	Telephone: _____
	E-mail: _____

Step 3

Make Copies of the *Summons* and *Complaint*

After the *Summons* and *Complaint* are completed and signed, you need to make copies. Make one copy for each Defendant and one copy for you (the originals will be filed with the court later).

Step 4

Serve the *Summons* and *Complaint* on the Defendant(s)

- You must have the other party(ies) served with copies of the signed *Summons* and *Complaint* and any attachments. This is called "service of process." There are three different ways the Defendant(s) can be served:
 - Personal service,
 - Service on someone who lives with the Defendant and is of suitable age, and
 - Waiver of service (if the Defendant waives service).

Each type of service is explained below. For more general information about service of process, go to the “Service of Process” Help Topic at <http://www.mncourts.gov/Help-Topics/Service-of-Process.aspx>.

- **Personal Service:** Someone who is over the age of 18 and not a party to the case must serve the other party(ies); **you cannot serve the papers yourself**. The paperwork must be served personally (handed to the other party). Papers **cannot** be served on a legal holiday as defined in Minn. Stat. § 645.44, subd. 5 (<https://www.revisor.mn.gov/statutes/cite/645.44#stat.645.44.5>). If you do not have someone that can serve the papers for you, you can contact the Sheriff’s Office in the county where the Defendant lives, or hire a private process server. There is a fee for the Sheriff’s Office to serve the papers. If you cannot afford to pay the service fees, you can ask the court for a fee waiver. See Step 8 below for more information.

NOTE: If the other party is represented by an attorney, serve the other party’s attorney instead of the party directly.

- **Service to Someone Who Lives with the Defendant:** The Defendant can be handed a copy of the *Summons* and *Complaint* personally **or** a copy of the *Summons* and *Complaint* can be handed to a person “of suitable age and discretion” at Defendant’s home **if that person lives with Defendant**. Mailing the *Summons* and *Complaint* by regular mail or certified mail is **not** personal service.
- **Waiver of Service** - Generally, the Defendant has a duty to avoid causing you to pay unnecessary costs of serving the *Summons* and *Petition* on them. [Rule 4.05](#) of the Rules of Civil Procedure says that you may ask that the Defendant *waive* service of the *Summons* and *Petition*. To ask the other party to waive personal service of a summons, you must send the other party the following items by first-class mail:
 - A copy of the *Summons and Complaint*
 - CIV022A (**Notice of Lawsuit and Request for Waiver of Service of Summons**)
 - Two copies CIV022B (**Waiver of Service of Summons**); and
 - A prepaid way (such as a self-addressed, stamped envelope) for the other party to return a signed copy of the *Waiver of Service of Summons* (CIV022B) to you.

Once the Defendant receives these forms, the Defendant may mail the Waiver of Service of Summons back to you in the prepaid envelope that you provided.

Warning: If the Defendant does not sign and return the *Waiver of Service* to you, the papers are not considered served. If that happens, you must serve the Defendant by Personal Service. If the Defendant is in the United States, and does not return the *Waiver of Service of Summons* to you within 30 days, then the court can order the Defendant to pay the costs of serving the forms.

<p>Step 5</p> <p>Proof of Service</p>

After service is complete, you must have proof that service was correctly done. The forms that you will need depend upon how you served the Defendant.

- Personal Service:** If you had the Defendant served personally, the server (the person who personally served the Defendant will then fill out an *Affidavit of Personal Service* (SOP102) form. This form serves as your proof for the Court that papers were served on the other party. If there is more than one Defendant, you will need a separate *Affidavit of Service* for each Defendant.

YOU:	1. Fill in the caption the same as you did for the <i>Summons and Complaint</i> (see Steps 1 and 2, above).
THE SERVER:	1. Fill in the server’s name and date of birth.
	2. Fill in the date the server handed the papers to the other party.
	3. List all of the papers the servers handed to the other party (<i>Summons</i> and <i>Complaint</i> and any other paperwork).
	4. Fill in the other party’s name.
	5. Fill in the location (where) the server handed the papers to the other party.
	6. Fill in the server’s name, address, and telephone number. Server should sign and date the form, and list what county and state they are in when they sign the <i>Affidavit of Personal Service</i> .

After the server signs the *Affidavit of Personal Service* (SOP102), make one copy for your records. The original is filed with the Court as part of Step 8 below.

- Waiver of Service:** If you had the Defendant waive service, the Defendant will then fill out the *Waiver of Service of Summons*. This form serves as your proof for the court that papers were served on the other party. If there is more than one Defendant, you will need a separate *Waiver of Service of Summons* for each Defendant.

YOU:	1. Fill in the caption the same as you did for the <i>Summons and Complaint</i> (see Steps 1 and 2, above).
	2. Fill in your name on the line after “TO.”
	3. Fill in the name of the case on the line above “caption of lawsuit”. The name of the case is your name vs. the Defendant’s name.
	4. Fill in the county where you are filing on the line above “list the county.”
	5. Fill in the date that you sent the <i>Waiver of Service</i> on the line after “within 60 days after.”
THE DEFENDANT	1. The Defendant should fill in the date they are signing the <i>Waiver of Service</i> on.
	2. The Defendant should sign the form above the “Signature” line.
	3. The Defendant should fill in their name on the “Printed/type name” line.

After the Defendant returns the *Waiver of Service of Summons*, make one copy for your records. The original is filed with the Court as part of Step 8 below.

Step 6

Wait to see if the Defendant serves an *Answer*

If you served the Defendant personally, the Defendant has 21 days to respond in writing. If you served the Defendant by *Waiver of Service*, the Defendant has 60 days to respond in writing. The Defendant must respond through an *Answer* to the *Summons and Complaint*. The days to respond start the day after the *Summons and Complaint* are served or mailed to the Defendant. You and the Defendant have the opportunity to work out a solution to your lawsuit. If you are unable to come to an agreement, you must file your documents with the court.

Step 7

Fill out the *Civil Cover Sheet (CIV117)*


Use the [Civil Cover Sheet \(Non-Family Case Type\)](#) (CIV117)

Before you file your documents with the court, you must also complete the *Civil Cover Sheet*. The *Civil Cover Sheet* gives the court basic information about the case and the parties. It assumes that you have already tried to settle your complaint with the party and requires you to give information based on your attempts.

The Caption

- Fill in the caption the same way you did on the *Summons* and *Complaint*. Fill in the date you filed (or will file) the case with the Court.

Party Information

<u>ATTORNEY FOR PLAINTIFF</u>		<u>ATTORNEY FOR DEFENDANT</u>
Attorney Name (not firm name)		Attorney Name (not firm name)
Postal Address		Postal Address
City State Zip Code		City State Zip Code
Telephone Number		Telephone Number
E-mail Address		E-mail Address
Minnesota Attorney ID Number		Minnesota Attorney ID Number

- A. If you or the other party is represented by an attorney, fill out the attorney's name, address, phone number, email address, and license number in this section.

<u>PLAINTIFF, Self-represented</u>	B	<u>DEFENDANT, Self-represented</u>
Name _____		Name _____
Postal Address _____		Postal Address _____
City _____ State _____ Zip Code _____		City _____ State _____ Zip Code _____
Telephone Number _____		Telephone Number _____
E-mail Address _____		E-mail Address _____

B. If you do not have an attorney, fill your name, address, phone number, and email under “PLAINTIFF, Self-represented.” If the Defendant does not have an attorney, Fill their name, address, phone number, and email address under “DEFENDANT, Self-represented.”

Case Information

1.	Provide a concise statement of the case including facts and legal basis:	
	C	

2.	Date Complaint was served: _____	D
3.	For Expedited Litigation Track (ETLT) Pilot Courts only:	
E	a. <input type="checkbox"/> The parties jointly and voluntarily agree that this case shall be governed by the Special Rules of ETLT Pilot. Date of agreement: _____	
	b. <input type="checkbox"/> The court is requested to consider excluding this case from ETLT for the following reasons:	

	Note: ETLT is mandatory in certain cases, and where mandatory, exclusion may also be sought by timely motion under the Special Rules for ETLT Pilot.	


c. <input type="checkbox"/> Anticipated number of trial witnesses: _____
d. <input type="checkbox"/> Amount of medical expenses to date: _____
e. <input type="checkbox"/> Amount of lost wages to date: _____
f. <input type="checkbox"/> Identify any known subrogation interests: _____

C. Fill in a brief explanation of the case and include the important facts and legal basis for your claim.

D. Fill in the date the *Complaint* was served on the Defendant.

E. Question 3 is for [Expedited Litigation Track \(ELT\) \(https://www.mncourts.gov/Help-Topics/Expedited-Civil-Litigation-Track.aspx\)](https://www.mncourts.gov/Help-Topics/Expedited-Civil-Litigation-Track.aspx) cases only. If your case is not an ELT case, you can skip it and move to question 4. If your case is in the ELT, answer all of the questions in this section.

- a. If the parties agree to use the Special Rules for ELT, fill in the date of agreement.
- b. If you are requesting the Court not require this case to be in the ELT, state your reasons in this space.
- c. Fill in the number of trial witnesses you think you will have.
- d. Fill in the amount of medical expenses up to today’s date.
- e. Fill in the amount of lost wages up to today’s date.
- f. Fill in any person or group that may have an interest in the debt or expenses in this case (for example, an insurance company).



4. For Complex Cases (See Minn. Gen. R. Prac. 146):

a. Is this case a "complex case" as defined in Rule 146? Yes No

b. State briefly the reasons for complex case treatment for this case:

c. Have the parties filed a "CCP Election" for this case as provided in Rule 146(d)?

Yes No

5. Estimated discovery completion within _____ months from the date of this form.

6. Disclosure/discovery of electronically stored information discussed with other party?

No Yes Date of discussion: _____

If yes, list agreements, plans and disputes:


F. Questions 4-6 ask about discovery. Discovery is the process each party can use to learn what evidence the other side has about the dispute.

- a. Check the box for “yes” or “no” to answer if the case is a “complex case.” To see the definition of a “complex case” and the factors to determine whether a case is a “complex case,” look at [Minn. Gen. R. Pact. 146](#). If you believe the case is a complex case, fill in why you think it is a complex case and then check “yes” or “no” to answer if both parties have filed a *Complex Case Program Election* (CIV118) form for the case. The *Complex Case Program Election* (CIV118) form can be found on the Minnesota Judicial Branch website at <http://www.mncourts.gov/GetForms.aspx?c=7&f=160> .
- b. Fill in the estimated number of months it will take to complete discovery.
- c. Answer “yes” or “no” as to whether you have discussed electronically stored information (such as information created or stored on a computer) with the Defendant. If you answered “yes,” fill in the agreements, plans and disputes you have about electronically stored information.

Trial Information

7. Proposed trial start date: _____

8. Estimated trial time: _____ days _____ hours (estimates less than a day must be stated in hours).

9. Jury trial is: 

waived by consent of _____ pursuant to Minn. R. Civ. P. 38.02.
(specify party)


requested by _____ (NOTE: Applicable fee must be enclosed)
(specify party)


10. Physical/mental/blood examination pursuant to Minn. R. Civ. P. 35 is requested.
 Yes No

11. Identify any party or witness who will require interpreter services, and describe the services needed (specifying language, and if known, particular dialect):


G. Questions 7 – 11 ask for information about the trial.

- a. Fill in the date you want the trial to start.
- b. Fill in the number of days you think the trial will take or how many hours it will take if it less than one day.
- c. Check the box and fill in the line for whether you want a jury trial or are waiving a jury trial. If you are not sure whether you should have a jury trial, you should talk to an attorney.
- d. Question 9 asks about physical/mental/blood examinations. Check “yes” or “no” depending on whether you think you will need one of those examinations.
- e. If a party or witness needs an interpreter, list the person’s name along with the language the person will need.

12. Issues in dispute: 

13. Case Type/Category:  (NOTE: select case types from the Civil Case Type Index found at http://www.mncourts.gov/mncourtsgov/media/scao_library/documents/eFile%20Support/Handout-Case-Type-Index.pdf.)

14. Recommended Alternative Dispute Resolution (ADR) mechanism: _____
 (See list of ADR processes set forth in Minn. Gen. R. Prac. 114.02(a))

Recommended ADR provider (known as a "neutral")  _____

Recommended ADR completion date: _____

If applicable, reasons why ADR not appropriate for this case:

- H. Fill in what issues you and the Defendant do not agree on.
- I. Look at [Form 23 \(http://www.mncourts.gov/Documents/0/Public/Rules/RCPform23_-_revised_01-01-09.pdf\)](http://www.mncourts.gov/Documents/0/Public/Rules/RCPform23_-_revised_01-01-09.pdf) in order to fill in the correct case type. Form 23 lists the different names of case types. For example, if your case is an employment case, you would write "Employment" or if your case is a personal injury case, you would write "Personal Injury."
- J. Fill in the Alternative Dispute Resolution (ADR) that you would like to use, the provider you are intending to use, and the proposed dates. If you do not think ADR will work for the case, explain why. You can find information about ADR under the Alternative Dispute Resolution (ADR)/Mediation Help Topic at <http://www.mncourts.gov/Help-Topics/AlternativeDisputeResolution.aspx> . If you have questions about what type of ADR is best for your case, you should talk to an attorney.

Signature Block

By signing below, the attorney or party submitting this form certifies that the above information is true and correct.

Submitted by:

Signature _____

Name: _____

Attorney Reg. #: _____


Firm/Agency Name: _____

Street Address: _____

City/State/Zip Code: _____

Telephone: _____

Date: _____



- K. If you do not have an attorney, sign the form and fill in your contact information. You can leave the Attorney License and Firm lines blank. If you have an attorney, your attorney should complete this section.

Step 8

File the originals with the court.

You will need to file the following original forms with Court Administration:

- *Summons* (CIV802);
- *Complaint* (CIV803);
- *Affidavit of Personal Service* (SOP102) or *Waiver of Service of Summons* (CIV022B); and
- *Civil Cover Sheet* (CIV117).

There will be a [filing fee](#) due when you file your paperwork. You can find the fees online at www.mncourts.gov/fees and select your county on the drop-down menu. You can make checks payable to “District Court Administrator.” You can also pay by cash and credit card.

If you cannot afford to pay the filing fee, or the cost of service, you can ask for a fee waiver by completing the forms in the [In Forma Pauperis/IFP](#) (fee waiver) packet of forms (found online at <http://www.mncourts.gov/GetForms.aspx?c=19&p=69>). If a judge does not sign the fee waiver order, then you will need to pay the filing fee before Court Administration will process your forms.



You are required to file the case with the court no later than one year after personal service on the Defendant.

Step 9

Prepare for court.

Below are a few resources on the www.mncourts.gov website to help you be prepared for court.

- The Civil Actions Help Topic at <http://www.mncourts.gov/Help-Topics/Civil-Actions.aspx>.

- The Civil Trial Booklet: What to Expect as a Self-Represented Plaintiff or Defendant in a Civil Trial (without a jury) at http://www.mncourts.gov/mncourtsgov/media/assets/documents/0/public/What_to_Expect_SRL_Bench_Trial_FINAL_0310.pdf.
- Legal Advice Resources:
 - Find a Lawyer Help Topic - <http://www.mncourts.gov/Help-Topics/Find-a-Lawyer.aspx>
 - Legal Advice Clinics - <http://www.mncourts.gov/Help-Topics/Self-Help-Centers.aspx#tab06ClinicLocations>