

CHANGE IN THE ISSUANCE OF SUMMONS IN ADVERSARY PROCEEDINGS

Beginning November 1, 2001, the Clerk's Office will be implementing a new procedure for the issuance of summons in adversary proceedings. As of this date, counsel will be able to download a new summons form, contact the court to obtain a pre-trial conference date and e-file the adversary proceeding along with the completed summons and certificate of service. The summons will be considered issued when the complaint is filed. By utilizing this procedure, counsel will be able to serve the summons the same day the complaint is filed.

This new procedure will expedite the issuance of summons and obviate the necessity for having to wait for the issued summons to be completed and returned to counsel in hard copy form.

Summons must be a separate docket entry from the complaint. They are not to be filed as an attachment to the complaint.

Pre-trial hearing dates will be obtained in the same manner hearing dates for motions are currently obtained. This date along with the date issued (the e-filing date) are the only dates counsel will need to add to the summons.

Should you have any questions regarding this new procedure, please contact Debbie Colmyer at 302-252-2901 (Deborah_Colmyer@deb.uscourts.gov) or George Wylesol at 302-252-2889 (George_V_Wylesol@deb.uscourts.gov).

Updated 11/5/02

I, _____, certify that I am, and at all times during the service of process was,
(name)
not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint was made _____ by: (date)

Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

Residence Service: By leaving the process with the following adult at:

Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

Publication: The defendant was served as follows: [Describe briefly]

State Law: The defendant was served pursuant to the laws of the State of _____,
as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Date

Signature

Print Name:

Business Address:

City:

State:

Zip: