

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.**

**SECURITIES AND EXCHANGE COMMISSION,** )  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**MICHAEL J. MCNERNEY,** )  
)  
**Defendant.** )  
\_\_\_\_\_ )

**COMPLAINT**

Plaintiff Securities and Exchange Commission alleges as follows:

**I. INTRODUCTION**

1. The Commission brings this action to restrain and enjoin Defendant Michael J. McNerney, the former attorney for Mutual Benefits Corporation, from violating the federal securities laws. This action arises from the massive offering fraud MBC and its principals conducted that bilked at least \$1 billion from more than 30,000 investors worldwide. From late 1994 through the date of the Commission's emergency action against MBC in May 2004, the Company offered unregistered securities in the form of fractional interests in discounted life insurance policies known as viatical settlements.

2. In connection with the sale of these securities, MBC and its principals made numerous misrepresentations and omissions to investors about, among other things, the profitability and rates of maturity of the policies, the process by which life expectancies on the policies were determined, the use of investor proceeds, and the disciplinary histories of MBC's

undisclosed principals. Additionally, MBC and its principals diverted and misused significant investor funds.

3. McNerney was a substantial participant in the MBC offering fraud. From 1995 through May 2004, he served as primary securities regulatory counsel for MBC. McNerney was aware of MBC's misuse of investor funds, helped conceal the fraud, met with investors, and supervised the filing of false reports with state regulators.

4. By virtue of his conduct, McNerney aided and abetted MBC's violations of Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5.

## **II. JURISDICTION AND VENUE**

5. This Court has jurisdiction over this action pursuant to Sections 21(d), 21(e), and 27 of the Exchange Act, 15 U.S.C. §§ 78u(d), 78u(e) and 78aa.

6. Venue is proper in the Southern District of Florida because many of McNerney's acts and transactions giving rise to the violations alleged in this Complaint occurred in Fort Lauderdale, Florida. At all times relevant to the allegations in this Complaint, MBC's principal place of business and McNerney's primary residence were both located in Ft. Lauderdale.

7. In connection with the conduct alleged in this Complaint, McNerney, directly or indirectly, singly or in concert with others, made use of the means or instrumentalities of interstate commerce, the means and instruments of transportation and communication in interstate commerce, and the mails.

## **III. DEFENDANT**

8. McNerney, 63, is currently incarcerated in Miami, Florida. At all times relevant to this Complaint, he was an attorney licensed to practice law in Florida. On August 26, 2011, a

judgment of conviction was entered against McNerney in *United States v. McNerney*, No. 08-CR-21158-CR-JORDAN, in the United States District Court for the Southern District of Florida, finding him guilty of one count of conspiracy to commit securities fraud in violation of 18 U.S.C. § 371, in connection with the MBC offering fraud. The Court sentenced McNerney to five years in prison and ordered him to pay restitution, jointly and severally with his co-conspirators, in the amount of \$826,839,642.

#### **IV. THE FRAUDULENT OFFERING**

##### **A. Mutual Benefit's Fraudulent Offering**

9. From late 1994 until May 2004, MBC operated in Fort Lauderdale as a viatical and life settlement provider, raising money from investors to purchase viatical and life settlement contracts. A viatical or life settlement contract involves the sale of a life insurance policy by a terminally ill person or senior citizen (known within the industry as a "viator") at a price discounted from the face value of the policy. Investors pay the premiums, and receive the face value of the life insurance policy when the insured, or viator, dies. In turn, the viator receives a portion of the proceeds of his life insurance policy as a lump sum.

10. MBC was run primarily by its undisclosed principals, Joel Steinger, a convicted felon with an extensive disciplinary history, and his brother, Leslie Steinger, who also has a significant disciplinary history. Peter Lombardi was the president of MBC and Steven Steiner, who is the brother of Joel and Leslie Steinger, was the vice president.

11. MBC promised investors guaranteed, fixed rates of return ranging from 12% to 72%, depending upon the term of investment the investor chose. The life expectancy of the viator, as determined by MBC, determined the total rate of return.

12. MBC offered and sold its securities primarily through a national network of sales agents, consisting mainly of insurance agents, brokers, and financial advisors. MBC's sales agents solicited potential investors through newspaper advertisements, direct mailings, and sales seminars. MBC also solicited investors directly through its Internet website.

13. MBC provided its sales agents with offering materials, which in turn, the agents gave to investors. The offering materials included informational brochures in which MBC boasted it was a viatical industry leader and stated investors would receive "double digit" returns based on a low-risk investment. MBC's website echoed much of the information contained in the written materials.

14. MBC pooled investor money in an interest-bearing escrow account until such time as it acquired and matched an insurance policy to the investor. Once MBC placed investor funds on a policy, in most cases, the policy was fractionalized to accommodate investments by multiple investors.

15. MBC also distributed investor funds to various MBC-affiliated entities that had post-closing obligations, including Viatical Services, Inc., and a trustee MBC appointed to administer the funds in its various premium escrow accounts. Through VSI, MBC monitored the health of viators and tracked insurance premium obligations. When an insurance premium obligation became due, VSI issued payment instructions to the trustee who, in turn, issued a check to pay the insurance premium. While MBC sought to create the appearance VSI was an independent entity, MBC and Joel Steinger, in fact, controlled it. Steinger hired the president of VSI, who reported directly to Steinger. Steinger made the ultimate business decisions for VSI and MBC maintained VSI's books and records.

16. MBC used a significant portion of investor funds to pay commissions to sales agents and, unbeknownst to investors, to various shell companies Joel and Leslie Steinger and others controlled.

17. Between 1994 and May 2004, MBC raised more than \$1 billion from at least 30,000 investors worldwide through the unregistered offer and sale of securities in the form of fractionalized interests in viatical and life settlement contracts.

18. MBC did not file a registration statement with the Commission in connection with the securities it offered.

19. On May 3, 2004, the Commission filed a civil injunctive action against Mutual Benefits, Joel and Leslie Steinger, Peter Lombardi, and certain relief defendants, alleging violations of the antifraud and registration provisions of the federal securities laws. *SEC v. Mutual Benefits Corp.*, Case No. 04-60573-CIV-MORENO (the “MBC action”). On June 21, 2005, the Commission filed an Amended Complaint adding Steven Steiner as a defendant. On May 4, 2004, the Commission obtained emergency relief against all defendants, including appointment of a receiver over MBC, VSI, and other affiliated corporate entities, asset freezes against the defendants, and a temporary restraining order.

20. In May 2005, the Eleventh Circuit affirmed the District Court’s order denying the defendants’ motion to dismiss for lack of subject matter jurisdiction, ruling the viatical settlements MBC sold constituted securities under the federal securities laws. *SEC v. Mutual Benefits Corp.*, 408 F.3d 737 (11th Cir. 2005). All of the individual defendants in the MBC action have settled by consenting to entry of final judgments providing for full injunctive relief and ordering them to pay collectively more than \$28 million in disgorgement and civil penalties.

**B. MBC'S Misrepresentations and Omissions to Investors**

21. In connection with the offer and sale of MBC's securities, MBC and its principals made numerous material misrepresentations to investors and failed to disclose material information about, among other things, the viators' life expectancies, insurance premium escrow deficiencies, "guaranteed" fixed rates of return, the Steingers' backgrounds, payments to the Steingers, and the safety and security of the investments. Additionally, MBC and its principals diverted and misused significant investor funds.

22. MBC falsely claimed independent physicians determined the life expectancies assigned to each policy. While MBC engaged several licensed physicians to provide life expectancies for viators, it was Joel Steinger who actually determined most of these life expectancies. Contrary to representations to investors, many of the doctors MBC engaged never reviewed the viators' medical records to confirm their diagnosis or establish an independent estimated life expectancy. Instead, they merely issued fraudulent life expectancy letters or affidavits MBC's employees drafted that contained life expectancy figures Joel Steinger had already designated.

23. MBC also falsely represented to investors that 90% of their policies matured before or at the assigned time of maturity. However, because of the fraudulent life expectancies MBC assigned, most of the life insurance policies failed to mature within the designated time period and, by the time the Commission filed its emergency action in May 2004, more than 90% of MBC's active policies had substantially surpassed the assigned life expectancies.

24. MBC failed to disclose to investors the existence of serious cash deficiencies in the escrow accounts where the Company set aside investor funds to pay future premiums on the life insurance policies. Because of the fraudulent life expectancies MBC assigned and because

MBC failed to set aside any funds for hundreds of policies, the escrow accounts suffered serious shortfalls. As of September 30, 2003, more than 74% of MBC's active policies had zero or negative escrow balances.

25. Additionally, MBC's representations to investors regarding its rates of returns were false and misleading. Because of the serious problems with the life expectancies assigned to some of MBC's policies and the deficiencies in the Company's premium escrow account, investors were frequently faced with the prospect of having to place additional funds with MBC in order to cover future premium payments, which resulted in a reduction of the returns promised to them.

26. At the same time MBC was encountering these cash deficiencies, its principals were wrongfully diverting millions of dollars to themselves in undisclosed "consulting fees" and wire transfers to offshore accounts.

27. Finally, MBC failed to disclose Joel and Leslie Steinger played substantial roles in the operation of MBC and VSI and were, in fact, undisclosed principals of these entities. As such, MBC should have disclosed their criminal and disciplinary backgrounds to investors. However, MBC failed to make such disclosures. MBC also failed to disclose to investors that at least five states had issued cease-and-desist orders against MBC and its principals for securities fraud and registration violations, and a sixth state had issued a cease-and-desist order against the sales agents who sold the investment in that state.

**C. McNerney's Role in MBC'S Fraudulent Offering**

28. MBC retained McNerney and his law firm, Brinkley, McNerney, Solomon and Tatum, LLP ("Brinkley McNerney") to represent it. Since no later than 1995, McNerney and his

firm served as primary counsel for MBC and represented the Company in a variety of matters before regulatory agencies as well as in civil lawsuits.

29. As MBC's primary counsel, McNerney supervised, directed, and assisted attorneys who drafted legal documents, registration materials, and disclosure statements filed with numerous state insurance regulators on behalf of MBC.

30. McNerney approved and directed MBC's filings with state insurance regulators. These filings were critical to MBC's operation as a viatical settlement provider. MBC could not have operated as a viatical settlement provider in the State of Florida without filing its initial application for approval, obtaining that approval, and remaining in good standing by making annual filings and responding to regular requests for additional information from the state.

31. MBC's filings with state regulators provided information to the public about the nature of MBC'S business, operations, and principals. Its annual filings with the state required the Company to update its information about litigation and any change of control within the Company. MBC's filings with various state insurance regulators were publicly available to investors.

32. MBC's filings with state regulators made material misrepresentations and omissions about, among other things, its business operations, its success as a viatical service provider, and the identity of its principals and their disciplinary and criminal histories. McNerney knew Joel and Leslie Steinger substantially controlled all of the Company's operations. However, from 1995 through 2004, McNerney approved and directed the filing of false and misleading information with state regulators to conceal the fact that Joel Steinger, a convicted felon with a disciplinary history, was a controlling principal of MBC.

33. Additionally, McNerney assisted others in the execution of certain escrow duties on behalf of MBC investors concerning the assignment of insurance policy benefits and authorizing the disbursement of investor funds.

34. Throughout the relevant time period, McNerney was aware of MBC's use of new investor funds to pay premiums on older insurance policies.

35. Additionally, McNerney met with prospective investors as part of MBC's sales efforts, and failed to disclose information concerning MBC's false regulatory filings and false life expectancy determinations.

36. McNerney also failed to disclose to investors Joel Steinger's felony conviction, and the fraudulent conduct of a physician who reviewed life expectancy information.

37. McNerney also participated in the fraudulent purchase and assignment of group policies on behalf of MBC. McNerney directed an attorney employed by his firm to fraudulently acquire group insurance policies by creating false documentation which made it appear group policies were being assigned as gifts to individuals. In truth, MBC was surreptitiously purchasing the policies, despite restrictions within the policies prohibiting their sale.

## V. VIOLATIONS

### **Aiding and Abetting MBC's Violations of Section 10(b) and Rule 10b-5 of the Exchange Act**

38. The Commission repeats and realleges paragraphs 1 through 37 of its Complaint.

39. From at least 1995 through May 2004, MBC, directly and indirectly, by use of the means and instrumentalities of interstate commerce, and of the mails in connection with the purchase or sale of the securities, as described in this Complaint, knowingly or recklessly: (a) employed devices, schemes or artifices to defraud; (b) made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of

the circumstances under which they were made, not misleading; or (c) engaged in acts, practices and courses of business which have operated as a fraud upon the purchasers of such securities.

40. During the relevant time period, McNerney, knowingly or recklessly, substantially participated in MBC's violations of Section 10(b) and Rule 10b-5 of the Exchange Act.

41. By reason of the foregoing, McNerney, aided and abetted MBC's violations of Section 10(b) and Rule 10b-5 of the Exchange Act, 15 U.S.C. § 78j(b); 17 C.F.R. § 240.10b-5.

## **VI. RELIEF REQUESTED**

**WHEREFORE**, the Commission respectfully requests that the Court:

### **I.**

#### **Declaratory Relief**

Declare, determine and find that Defendant McNerney committed the violations of the federal securities laws alleged in this Complaint.

### **II.**

#### **Permanent Injunctive Relief**

Issue a Permanent Injunction restraining and enjoining McNerney, his officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, and each of them, from aiding and abetting violations of Section 10(b) and Rule 10b-5 of the Exchange Act, as indicated above.

### **III.**

#### **Further Relief**

Grant such other relief as this Court may deem just and appropriate.

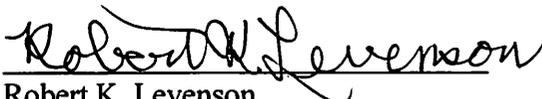
IV.

**Retention of Jurisdiction**

Further, the Commission respectfully requests that the Court retain jurisdiction over this action in order to implement and carry out the terms of all orders and decrees that it may enter, or to entertain any suitable application or motion by the Commission for additional relief within the jurisdiction of this Court.

Respectfully submitted,

April 30, 2012

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JS 44 (Rev. 09/11)

**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**  
**SECURITIES AND EXCHANGE COMMISSION**

**(b) County of Residence of First Listed Plaintiff** \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**  
 Robert K. Levenson, Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, FL 33131, 305-982-6322

**DEFENDANTS**  
**McNERNEY, MICHAEL J.**

**County of Residence of First Listed Defendant** Miami-Dade  
 (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

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

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)

<b>Citizen of This State</b>	<b>PTF</b> <input type="checkbox"/> 1	<b>DEF</b> <input checked="" type="checkbox"/> 1	<b>Incorporated or Principal Place of Business In This State</b>	<b>PTF</b> <input type="checkbox"/> 4	<b>DEF</b> <input type="checkbox"/> 4
<b>Citizen of Another State</b>	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<b>Incorporated and Principal Place of Business In Another State</b>	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<b>Citizen or Subject of a Foreign Country</b>	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<b>Foreign Nation</b>	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
<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 (Excl. 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 - Med. 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/Mgmt. 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 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <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"/> 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 <input type="checkbox"/> 490 Cable/Sat TV <input checked="" 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>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>IMMIGRATION</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	<input 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	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <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	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions		

**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

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 15 U.S.C. § 78j(b); 17 C.F.R. § 240.10b-5

Brief description of cause:  
 Aiding and abetting Section 10(b) of the Securities & Exchange Act of 1934 & Rule 10b-5 thereunder

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE Hon. Federico A. Moreno

DOCKET NUMBER 08-cr-21158  
04-cv-60573

DATE 4-30-12

SIGNATURE OF ATTORNEY OF RECORD  
Robert K. Levenson

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

60110-00-20

[REDACTED]

AO 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**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: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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: