

AO 398a

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA**

**CHARLES R. DIARD, JR.**  
Clerk of Court

113 St. Joseph Street, Box 11  
Mobile, Alabama 36602

RICHARD GARNER FRAUNFELDER  
Plaintiff,

vs.

CIVIL ACTION NO. 1:06-cv-0256-CG-M

CITY OF MOBILE, ALABAMA  
Defendant.

**NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS**

TO: City of Mobile, Alabama c/o City Clerk, P.O. Box 1827 Mobile, AL 36633-1827

A lawsuit has been commenced against you. A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Southern District of Alabama and has been assigned the above docket number.

This is not a formal summons, but rather a request by the Court that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if a signed copy of the waiver is received within 30 days after the date designated below as the date on which this Notice and Request is sent. Enclosed is a stamped and addressed envelope for your use. An extra copy of the waiver is also attached for your records.

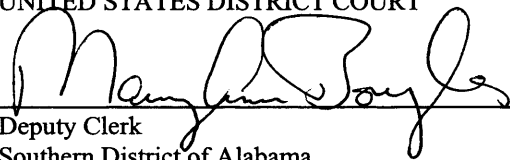
If you comply with this request and return the signed waiver, it will be filed with the Court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, appropriate steps will be taken to effect formal service in a manner authorized by the Federal Rules of civil Procedure, and you will then be required to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the waiver form.

On June 1, 2006, I mailed to the above defendant this Notice of Lawsuit and Request for Waiver of Service of Summons on behalf of the plaintiff who is proceeding in forma pauperis.

CHARLES R. DIARD, JR., CLERK  
UNITED STATES DISTRICT COURT

By:

  
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Deputy Clerk  
Southern District of Alabama