

INFORMATION AND INSTRUCTIONS FOR FILING A COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

I. INFORMATION

JURISDICTION

The United States District Courts have jurisdiction to adjudicate lawsuits brought under the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5.

VENUE

The word "venue" refers to the geographic area over which a court has authority. The federal district courts each have their own venue and they have very strict rules on where you may file your Title VII complaint. If you do not comply with these rules, your action may be transferred to another court or dismissed. You should file your Title VII complaint in: (i) any judicial district in the state where the unlawful act is alleged to have been committed; (ii) in the judicial district where you would have worked but for the unlawful act; (iii) in the judicial district where employment records related to the proscribed conduct are maintained; and (iv) in the judicial district where the employer has its principal office (**but only if the defendant cannot be brought before the court in any of the three preceding districts**).

The State of Missouri is divided into the Eastern and Western Districts. The U.S. District Court for the Eastern District of Missouri is located at 111 S. Tenth Street, St. Louis, Missouri, 63102, and is comprised of the following counties: Adair, Audrain, Bolinger, Butler, Cape Girardeau, Carter, Chariton, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Pemiscot, Perry, Phelps, Pike, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Saint Francois, Saint Genevieve, Saint Louis, Schuyler, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne, and the City of Saint Louis. The U.S. District Court for the Western District of Missouri is located at 400 East 9th Street, Kansas City, Missouri, 64106. The counties comprising the Western District of Missouri are set forth in 28 U.S.C. § 105(b).

RULES OF COURT

If you file a Title VII complaint in the Eastern District of Missouri, you must follow the Federal Rules of Civil Procedure, as well as the Court's Local Rules. Even if you proceed pro se (representing yourself without an attorney), you must follow these rules.

CHANGE OF ADDRESS

To ensure prompt delivery of court documents, you must file a change of address with the court every time your address changes. Failure to do so will prevent the Court from notifying you of developments in your case and may result in dismissal of your action.

LEGAL ADVICE

Court personnel, including district court judges, magistrate judges, the Clerk of Court, and all staff, are prohibited by law from giving you legal advice. You should seek legal advice from your attorney or a legal clinic.

II. INSTRUCTIONS

COMPLETING THE ENCLOSED COMPLAINT FORM

To file a Title VII complaint, complete the enclosed complaint form and submit the original with two copies to the Clerk of Court. (If you pay the filing fee you must also submit one copy of the complaint for each defendant). All copies must conform to the original. In addition, the complaint must:

- (1) be typed or legibly written;
- (2) be signed by each plaintiff; and
- (3) conform to the instructions in the "Filing Fee" section below.

You should answer all questions concisely and to the best of your ability. If you need extra space to answer a question, insert an additional page in the appropriate place. Do not use the back of the page. Do not name as a plaintiff in your complaint any other person, unless he or she is raising claims which arise from the same incident or involve the same issue as the claim raised in your complaint.

RIGHT TO SUE LETTER

You must also attach a copy of your Right to Sue Letter to your complaint. **(Note: Your Right to Sue Letter cannot serve as your complaint.)** This is the letter you received from the Equal Employment Opportunity Commission informing you that you have 90 days within which to file suit in the federal courts.

JURY DEMANDS

Depending on your claim and the type of relief you are seeking, you may be entitled to a trial by jury. However, you may lose your right to a jury trial if you do not request it early in the proceeding. If you want a jury trial, you should write "Jury Trial Demanded" on the first page of your complaint, to the right of the caption, below the words "Case No."

FILING FEE AND PROCEEDING IN FORMA PAUPERIS

The fee for filing a Title VII action in a United States District Court is \$400. A check or money order should be made payable to "Clerk, United States District Court." If you pay the \$400 filing fee, you will be responsible for service upon each defendant. To properly serve the defendant(s) you must submit to the Court Clerk for each named defendant a copy of the complaint, and a completed summons. The Court Clerk will return to you each defendant's copy of the complaint for you to serve and a copy for your own records. In the alternative, you may request that the defendant(s) waive service. Instructions and forms for requesting the waiver of service are available from Clerk's Office (Note: If a defendant fails to waive service, you will still be responsible for serving upon them a copy of the complaint and a summons).

If you are financially unable to pay the filing fee, you may request the court to file your action without prepayment of costs. (One whose complaint is filed without the payment of the filing fee is said to proceed in forma pauperis). Applications to proceed without prepayment of costs and financial affidavits are available from the Clerk's Office. **(NOTE: Each plaintiff named in your complaint must submit a separate application if the complaint is to be filed in forma pauperis).** If you proceed in forma pauperis the United States Marshal's Service will serve a copy of your complaint upon each defendant, however, you are responsible for providing the Court the correct address of each defendant.

APPOINTMENT OF COUNSEL

A Title VII litigant does not have an absolute right to a court-appointed attorney. The court may, in its discretion, appoint an attorney to represent you. Form motions for appointment of counsel are available from the Clerk's Office upon request.

SUBSEQUENT FILINGS

Certificate of Service

To file a motion, pleading or other paper, you must submit the original document to the Court Clerk. The original document must include a certificate of service which should be in following form:

Certificate of Service	
I hereby certify that a copy of the foregoing was mailed	
to _____ at _____	
[Opposing Party or Counsel]	[Address]
on _____, 20__.	_____
[Date]	[Your Signature]

Any pleading or document received by the court that fails to include a certificate of service may be returned. In addition to filing the original document with the court, you must mail a copy of each document to all other parties, or if they have counsel, to their attorney(s).

Motions Filed By Other Parties

If you do not timely respond to a motion filed by another party, you may waive your right to challenge the subject matter of the motion. Applicable time periods are set forth in the Federal Rules of Civil Procedure and the Court's Local Rules.

Letters to the Court

It is improper to send letters directly to district or magistrates judges regarding cases pending before them. All correspondence should be forwarded to the Clerk of Court. Copies of correspondence should also be sent to all other parties, or if they have counsel, to their attorney(s).

MAILING

All correspondence, fees, legal documents, etc. should be brought or mailed to the following address:

Clerk of Court
United States District Court
Eastern District of Missouri
111 S. Tenth Street, Suite 3.300
St. Louis, MO 63102