

Notice of Lawsuit and Request for Waiver of Service of Summons  
(Minn. R. Civ. P. 4.05)

TO: Ilhan Omar  
P.O. Box 33079 404 Third Ave. N unit 203  
Washington, DC 20033 Minneapolis, MN  
55401

Why Are You Getting This? mn05.info@mail.house.gov

A copy of a Summons and Complaint/Petition is attached to this notice. This is not formal service of the summons on you, but rather is my request that you sign and return the enclosed waiver of service in order to avoid the cost of serving you. The cost of service will be avoided if I receive a signed copy of the waiver (CIV022B) within 11 days after the date designated below as the date on which this Notice and Request is sent, by May 17, 2022

I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver (CIV022B) 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 signed, except that you will not be obligated to answer the complaint/petition 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 outside the United States).

**What Happens Next?**

If you do not return the signed waiver form within the time indicated, I will arrange to have the summons and complaint/petition served on you (or the party on whose behalf you are addressed) and will then, to the extent authorized by court rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. Your duty to waive the service of the summons is explained below.

I affirm that this request is being sent to you on behalf of the plaintiff / petitioner this 6<sup>th</sup> day of May, 20 22

AJ Kern  
Signature

Note: Court Form CIV022A is substantially similar to Minn. R. Civ. P. Form 22A and meets the rule requirements.

## DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Minnesota Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant/respondent located in the United States who, after being notified of an action and asked by a plaintiff/petitioner located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver. It is not good cause for a failure to waive service that a party believes that the complaint/petition is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property.

A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. A defendant/respondent who waives service must within the time specified on the waiver form serve on the plaintiff/petitioner's attorney (or unrepresented plaintiff/petitioner) a response to the complaint/petition. If the answer or motion is not served within this time, a default judgment may be taken against that defendant/respondent. By waiving service, a defendant/respondent is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

MINNESOTA  
JUDICIAL  
BRANCH

State of Minnesota

District Court

County of:  <i>Hennepin</i>	Judicial District: <u><i>Fourth</i></u> Court File Number: _____ Case Type: <u><i>civil</i></u>
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*A.J. Kern, Congressional Candidate*  
Plaintiff / Petitioner (first, middle, last)

Waiver of Service of Summons

Minn. R. Civ. P. 4.05

and *Ithan Omar, and Don Samuels*  
*Congressional Candidates, Steve Simon,*  
*in his capacity as Minnesota Secretary of*  
*State*  
Defendant / Respondent (first, middle, last)

TO: *AJ Kern, P.O. Box 261, Sartell, MN 56377*  
(name of plaintiff/petitioner's attorney, or unrepresented plaintiff/petitioner)

I received your request that I waive service of a summons in the following lawsuit of  
*above*, in the District Court for  
(caption of lawsuit; usually \_\_\_\_\_ vs. \_\_\_\_\_)

*4th* District of Minnesota, *Hennepin* County.  
(list the District: 1st - 10th) (list the county)

I have also received a copy of the complaint or petition in the lawsuit, two copies of this document (CIV022B), and a means for returning the signed waiver to you without cost to me. I agree to save the cost of service of the summons and complaint/petition in this lawsuit.

I understand that I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after *May 6, 2022* (date request was sent), or within 90 days after that date if the request was sent outside the United States.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
*Ithan Omar*  
Printed / typed name

Note: Court Form CIV022B is substantially similar to Minn. R. Civ. P. Form 22B and meets the rule requirements.