

THE HONORABLE WILLIAM DWYER

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

U S WEST COMMUNICATIONS, INC.,

Plaintiff,

v.

MFS INTELENET, INC.;

SHARON L. NELSON, Chairman,  
RICHARD HEMSTAD, Commissioner, and  
WILLIAM P. GILLIS, Commissioner,  
in their official capacities as Commissioners of  
the Washington Utilities and Transportation  
Commission; and

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Defendants.

NO. C97-0222WD

WAIVER OF SERVICE OF SUMMONS

RECEIVED  
RECORDS MANAGEMENT  
97 AUG 18 AM 10:03  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

TO: Sherilyn Peterson and Kirstin S. Dodge  
Perkins Coie  
411 108th Avenue NE, Suite 1800  
Bellevue, Washington 98004-5584  
Attorneys for Plaintiff

I acknowledge receipt of your request that I waive service of a summons in the action  
of U S WEST Communications, Inc. v. MFS Intelenet, Inc. et al., which is case number

C97-0222WD in the United States District Court for the Western District of Washington at Seattle. I have also received a copy of the amended complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.


I agree to save the cost of service of a summons and an additional copy of the amended complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I 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 if an answer or motion under Rule 12 is not served upon you within 90 days after 8/15, 1997.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Washington Utilities and Transportation Commission.  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

By:   
\_\_\_\_\_  
Sherilyn Peterson, WSBA #11713  
Kirstin S. Dodge, WSBA #22039  
Attorneys for Plaintiff  
U S WEST Communications, Inc.

Duty to Avoid Unnecessary Costs of Service of Summons:

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff 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 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 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 who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.