

**INSTRUCTIONS FOR FILING
A RESPONSE TO MOTION *PRO SE*
IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

The Clerk's Office has prepared the attached General Response to Motion Form for use by pro se litigants in civil cases. The instructions set out below are meant to assist you in completing this form. You should also consult the Federal Rules of Civil Procedure which are available for viewing in the Clerk's Office or online at <http://cfr.law.cornell.edu/rules/frcp/>, as well as the Local Rules, which are also available in the Clerk's Office or online at <http://www.kywd.uscourts.gov/CourtLocalRules.php>.

CAPTION

The caption is the description on the front of every document filed with the Court listing the Court, parties, and case number. Your response must include a caption. On your response, you may list only the first plaintiff and first defendant followed by "et al." in the case of multiple plaintiffs and/or defendants. Please also include "what" you are responding to in the space provided. Please see the highlighted sections below:

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY	
CASE NUMBER: <u>0-00-CV-00000</u>	
<u>JANE DOE</u>	PLAINTIFF(S)
v.	
<u>ACME Inc. et al.</u>	DEFENDANT(S)
RESPONSE TO MOTION <u>To Dismiss</u>	
[state what motion you are responding to]	

SUPPORTING INFORMATION

In the next section, you should state any facts you believe supports your position. You are free to attach any additional supporting documentation you feel necessary.

Please note that under the Court's Amended Notice of Electronic Availability of Civil Case File Information, sensitive information, including personal identifiers such as social

security numbers, names of minor children, dates of birth, and financial account numbers, should not be filed with the Court unless such inclusion is necessary and relevant to the case. If a party must include sensitive information, the personal identifiers must be partially redacted. For example:

- In the case of social security or account numbers, only the last four digits should be used. For example, if the number is 5555-555-5555, you should refer to it as “xxxxxxx-5555” in your response.
- In the case of a date of birth, only the year should be used. For example, if the birth date is 01-01-1940, all you should include in your response is “xx-xx-1940.”
- For a minor child, use only his/her first and last initials. For example, if the minor’s name is Mary Ann Doe, you should refer only to the minor as “M.D.” in your response.

SIGNATURE

You must sign the response and file it with the Clerk’s Office. **The copy filed with the Clerk’s office must contain an original signature.**

SERVICE

You are responsible for providing all other parties in the lawsuit with a copy of your response and any supporting papers at the time or before they are filed with the Court. This is called service. The Clerk’s Office will NOT serve your response for you. If the party you need to serve has a lawyer, then you must serve that party by serving the lawyer. If the other party does not have a lawyer, you can serve that party directly. Rule 5 of the Federal Rules of Civil Procedure establishes the rules for serving documents other than the original complaint. It provides in relevant part:

Rule 5. Serving and Filing Pleadings and Other Papers

(a) Service: When Required.

(1) In General. Unless these rules provide otherwise, each of the following papers must be served on every party:

- (A) an order stating that service is required;
- (B) a pleading filed after the original complaint, unless the court orders otherwise under Rule 5(c) because there are numerous defendants;
- (C) a discovery paper required to be served on a party, unless the court orders otherwise;
- (D) a written motion, except one that may be heard ex parte; and
- (E) a written notice, appearance, demand, or offer of judgment, or any similar paper.

(2) If a Party Fails to Appear. No service is required on a party who is in default for failing to appear. But a pleading that asserts a new claim for relief against such a party must be served on that party under Rule 4.

(3) Seizing Property. If an action is begun by seizing property and no person is or need be named as a defendant, any service required before the filing of an appearance, answer, or claim must be made on the person who had custody or possession of the property when it was seized.

(b) Service: How Made.

(1) Serving an Attorney. If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.

(2) Service in General. A paper is served under this rule by:

(A) handing it to the person;

(B) leaving it:

(i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or

(ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

(C) mailing it to the person's last known address--in which event service is complete upon mailing;

(D) leaving it with the court clerk if the person has no known address;

(E) sending it by electronic means if the person consented in writing--in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person to be served; or

(F) delivering it by any other means that the person consented to in writing--in which event service is complete when the person making service delivers it to the agency designated to make delivery.

(3) Using Court Facilities. If a local rule so authorizes, a party may use the court's transmission facilities to make service under Rule 5(b)(2)(E).

(c) Serving Numerous Defendants.

(1) In General. If an action involves an unusually large number of defendants, the court may, on motion or on its own, order that:

(A) defendants' pleadings and replies to them need not be served on other defendants;

(B) any crossclaim, counterclaim, avoidance, or affirmative defense in those pleadings and replies to them will be treated as denied or avoided by all other parties; and

(C) filing any such pleading and serving it on the plaintiff constitutes notice of the pleading to all parties.

(2) Notifying Parties. A copy of every such order must be served on the parties as the court directs.

(d) Filing.

(1) Required Filings; Certificate of Service. Any paper after the complaint that is required to be served--together with a certificate of service--must be filed within a reasonable time after service. But disclosures under Rule 26(a)(1) or (2) and the following discovery requests and responses must not be filed until they are used in the proceeding or the court orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.

(2) How Filing Is Made--In General. A paper is filed by delivering it:

(A) to the clerk; or

(B) to a judge who agrees to accept it for filing, and who must then note the filing date on the paper and promptly send it to the clerk.

(3) Electronic Filing, Signing, or Verification. A court may, by local rule, allow papers to be filed, signed, or verified by electronic means that are consistent with any technical standards established by

the Judicial Conference of the United States. A local rule may require electronic filing only if reasonable exceptions are allowed. A paper filed electronically in compliance with a local rule is a written paper for purposes of these rules.

(4) Acceptance by the Clerk. The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice.

CERTIFICATE OF SERVICE

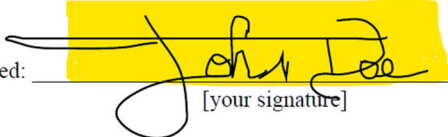
You must include a certificate of service stating the date a copy of the response was served on the other parties, how it was served (by hand, mail or other means), and where it was served. You must sign the certificate of service. An example of a certificate of service is set forth below:

CERTIFICATE OF SERVICE

I hereby certify that a copy of this response was served upon counsel for ACME Inc. by
[name of opposing party or counsel]

First Class Mail at 100 Main Street
[mail or hand-delivery] [address]

Big City, KY 00000 on 2/1/2025
[date]

Signed: 
[your signature]

FILING THE RESPONSE

Under Local Rule 5.2(c) all pleadings, motions or other papers filed by pro se litigants must be addressed to the Clerk. A pleading, motion, or other paper addressed to an individual judge will be directed to the Clerk for assignment.