UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

1/2010

INSTRUCTIONS FOR PERSONS WITHOUT AN ATTORNEY FILING AN EMPLOYMENT DISCRIMINATION COMPLAINT

The following forms are enclosed:

1. Employment Discrimination Complaint and Summons (EEO 1)

2. Summons in a Civil Action (AO 440)

3. Application to Proceed in District Court Without Prepaying Fees of Costs (AO 240)

4. Request for Appointment of Counsel (EEO 3)

5. Notice of a Lawsuit and Request to Waive Service of a Summons (AO 398)

6. Waiver of the Service of Summons (AO 399)

You must make sufficient copies of the complaint and summons for service on all defendant(s) as well as two extra copies for the court.

A. GENERAL INSTRUCTIONS

1. All blanks must be filled in. If an entry does not apply to you write "not applicable" in the provided space.

2. The filing fee for a complaint is **$350.00** and **$9.00** for certifying each complaint for service. If you are financially unable to pay these fees, you must complete the Application to Proceed without Prepayment of Fees and Affidavit.

3. If you want the Court to appoint an attorney to represent you, you must complete the Request for Appointment of counsel (EEO 3).

4. Your complaint must be filed within the time specified by your **Notice-of-Right-to Sue.**

B. EMPLOYMENT DISCRIMINATION COMPLAINT (EEO 1)

1. Insert the name(s) of the employer(s) against whom you are complaining in the heading above the word "Defendant(s)".

2. Paragraphs I and 2: Be sure to provide full and accurate addresses.

3. Paragraph 9: **Be sure to attach a copy of your Notice-of-Right-to-Sue letter.**

C. APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES/AFFIDAVIT

1. This form (AO 240) should be used only if you are financially unable to pay the $350.00 filing fee. Each complaint must be accompanied with either a $350.00 payment or a completed application to proceed without prepayment form.

2. Set forth briefly in the space provided the reasons you are unable to pay the required fees. **FOR EXAMPLE:** *I am unemployed and have no money except what I receivedfrom Unemployment Compensation.* ***OR:*** *I earn only $150.00 per week and must support a family of four.*

D. REQUEST FOR APPOINTMENT OF COUNSEL (EEO 3)

1. Use this form only if you are asking the Court to appoint a lawyer to represent you.

2. The Court is not required to appoint a lawyer to represent you. The Judge will decide whether an appointment will be made in your case based upon the information you provide in this form.

3. Paragraph 3 -A copy of the EEOC investigative file can be obtained from the Commission at the office which issued your **Right-to-Sue-Letter.**

4. Paragraph 4 -You must make a reasonable effort on your own to obtain an attorney before the Court will consider appointing one to represent you. List in paragraph 4 all attorneys contacted by you who were unwilling or unable to take your case.

When the forms are completed you may bring the forms or mail the forms to:

CLERK, UNITED STATES DISTRICT COURT
300 Ala Moana Boulevard, Room C-338
Honolulu, Hawaii 96850