

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

J. MICHAEL McMAHON
CLERK OF COURT

INSTRUCTIONS FOR FILING A COMPLAINT FOR EMPLOYMENT DISCRIMINATION

Attached are a complaint form and an application to waive the filing fee for an action for employment discrimination. The instructions for completing them are as follows:

1. **Caption:** The caption is located in the top left corner on the first page of the complaint. You, as the person filing the complaint, are the Plaintiff. The company, organization, or individuals you are suing are the Defendants. Typically, the company or organization named in your charge to the Equal Employment Opportunity Commission should be named as a defendant in this action.
2. **Jury Trial:** You are entitled to a trial by jury, but you may lose your right to a jury trial if you do not ask for it early enough. You should indicate on the first page of the complaint whether you want a jury trial by checking either “yes” or “no” in the top right corner of the first page of the complaint. You can also demand a jury trial within 10 days of service of the answer. If you fail to request, but later decide you want a jury trial, you may request one by filing a formal motion and explaining why you did not ask for one earlier. The judge does not have to grant this motion.
3. **Contents:** The form should be completed in full. It can be typed or handwritten and it must be legible. If you need more space to answer a question, use separate sheets of 8½ x 11-inch paper and attach them to your complaint. You must provide the facts of your case, but need not make legal arguments or include references to cases. It is important that you (a) submit the complaint to the *Pro Se* Office within ninety (90) days from the date you received the “Notice of Right to Sue Letter” from the Equal Employment Opportunity Commission and (b) attach a copy of the “Notice of Right to Sue Letter” to the complaint as an exhibit. If more than ninety (90) days have passed since you received the “Notice of Right to Sue Letter,” you should include any reasons why you are filing your complaint beyond the applicable period. The complaint must contain an original signature (in ink or pencil) from each plaintiff. Photocopies of your signature cannot be accepted. The complaint need not be notarized.

Note: If you have filed a charge for age discrimination with the Equal Employment Opportunity Commission and have not yet received a “Notice of Right to Sue Letter,” you may request a “Notice of Right to Sue Letter” from the Equal Employment Opportunity Commission sixty (60) days after you filed your charge with the agency.

4. **Copies:** You must send the *Pro Se* Office the original complaint plus two identical copies. You should keep another copy for your records. Copies may be handwritten or typewritten but all copies (including any attached exhibits) must be identical to the original.
5. **Fee:** The filing fee is \$350.00, payable to the “Clerk of Court, USDC, SDNY,” by certified check, bank check, money order, major credit card, or cash (if your complaint is submitted in person). Personal checks are not accepted.
6. **Inability to pay the fee:** If you are unable to afford the filing fee, you may apply to the Court to waive the fee by completing the enclosed Request to Proceed *In Forma Pauperis* and including it with your original complaint. The caption of this application must be identical to the caption on the complaint.
7. **Filing:** When you have completed the forms, you may submit the original and two copies of the complaint, along with the full filing fee or a Request to Proceed *In Forma Pauperis* to the *Pro Se* Office by delivering them in person or by mailing them to the above address.
8. **Serving the complaint:** Do not serve the complaint on defendants until a docket number is assigned to your case and a summons is issued. The *Pro Se* Office will send you further instructions and necessary documents when service is required.
9. **Language:** All papers must be submitted in English. All Court proceedings will be held in English. If you have difficulty understanding or writing in English, you should ask a relative or friend to help you prepare your papers, and you should bring someone to act as your interpreter whenever you come to Court.
10. **Questions:** If you have any questions, please contact the *Pro Se* Office, (212) 805-0175, during business hours, 8:30am - 5:00pm, Monday - Friday (except federal holidays). Please note that the *Pro Se* Office will not accept collect calls.

***** These instructions need not be submitted with your complaint *****