UNITED STATES DISTRICT COURT

for the

_____ District of _____

Case No. _____
(to be filled in by the Clerk's Office)

_____
Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

_____
Defendant(s)
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR INTERPLEADER AND DECLARATORY RELIEF

I. The Parties to This Complaint

A. The Plaintiff(s) in Interpleader

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

B. The Defendant(s) in Interpleader

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

Defendant No. 2

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

Defendant No. 3

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address *(if known)* _____

II. Basis for Jurisdiction and Venue

There are two types of interpleader actions, each brought under a different provision. Which type of interpleader action are you bringing? *(check one)*

☐ I am bringing this interpleader action under Federal Rule of Civil Procedure 22. *(Fill out Section A below.)*

☐ I am bringing this interpleader action under 28 U.S.C. § 1335. *(Fill out Section B below.)*

A. Interpleader Action Under Rule 22

1. Jurisdiction is proper because the action *(check all that apply)*:

☐ arises under a federal statute, a federal treaty, and/or a provision of the United States Constitution *(specify the relevant statutory, treaty, and/or constitutional provisions)*:

_____

☐ meets the jurisdictional requirements of 28 U.S.C. § 1332, under which no plaintiff may be a citizen of the same State as any defendant, and the amount at stake must exceed the sum or value of $75,000:

a. The Plaintiff(s)

i. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

ii. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

b. The Defendant(s)

i. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____.
Or is a citizen of *(foreign nation)* _____.

ii. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

c. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than $75,000, not counting interest and costs of court, because *(explain)*:

_____

2. Venue is proper under 28 U.S.C. § 1391 because *(check one)*:

☐ all of the defendants live in _____ *(a common State)* and at least one defendant lives _____ *(county, State)*, which is located in this court's judicial district.

☐ a substantial part of the property that is the subject of this complaint for interpleader is situated in _____ *(county, State)*, which is located in this court's judicial district.

☐ there is no district in which this action may otherwise be brought. The court has personal jurisdiction over the defendants for the following reasons *(identify the connections the defendants have with the judicial district)*:

_____

B. Interpleader Action Under 28 U.S.C. § 1335

1. In order for this court to have jurisdiction over this action, at least two defendants must be citizens of different States as defined in 28 U.S.C. § 1332(a) or (c), and the value of the property in controversy must be at least $500.

   a. Interpleader Defendant No. 1

      i. If the defendant is an individual

      The defendant, *(name)* _____, is a citizen of the State of *(name)* _____.
      Or is a citizen of *(foreign nation)* _____.

      ii. If the defendant is a corporation

      The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

   b. Interpleader Defendant No. 2

      i. If the defendant is an individual

      The defendant, *(name)* _____, is a citizen of the State of *(name)* _____.
      Or is a citizen of *(foreign nation)* _____.

      ii. If the defendant is a corporation

      The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

c. The Property in Controversy

The property in controversy is worth $ _____ .

2. Venue is proper under 28 U.S.C. § 1397 because at least one defendant, *(name)* _____, resides in _____ *(county, State)*, which is located in this court's judicial district.

III. Statement of Interpleader Action

A. Describe the property that is the subject of this interpleader action, and explain why you are in possession of the property. Explain why each of the defendants claims an entitlement to the property.

_____

B. Plaintiff has *(check one)*:

☐ deposited *(the property at issue)* _____ into the registry of the court

☐ given a bond payable to the clerk of court in the amount of $ _____ , which the court has deemed proper and which is conditioned upon compliance by the plaintiff with the future order or judgment of the court with respect to the subject matter of the controversy.

C. Explain why you are in great doubt as to which defendant(s) is/are entitled to the property subject to the interpleader action. Explain why you cannot determine which claim(s) is/are valid without exposing yourself to potential double litigation.

_____

IV. Relief

The plaintiff requests that *(check all that apply)*:

☐ Each defendant be restrained from instituting any action against the plaintiff for recovery of the property or any part of it.

☐ The defendants be required to interplead and settle among themselves their rights to the property and that the plaintiff be discharged from all liability.

☐ The plaintiff recover costs and reasonable attorney's fees.

☐ The court grant any further relief as may be just and proper under the circumstances of this case.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

Print Save As... Add Attachment Reset