DEFENDANT: ANDY DWANE BENNETT LAWSUIT DELIVERED: 9/3/2024 (DEEMED SERVED: 9/17/2024)

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

FILED - LN
October 21, 2024 4:18 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: pjw / SCANNED BY: 10/22

JEFFREY RYAN FENTON

Plaintiff(s)

v.

VIRGINIA LEE STORY et al.,

Defendant(s)

Civil Action No. 1:23-cv-1097

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Andy Dwane Bennett
1116 Mistletoe Circle
Hermitage, TN 37076

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeffrey Fenton
17195 Silver Parkway #150
Fenton, MI 48430

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 1 9 2024 ~~5 / 23 / 2024~~

Paula J. Wade
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:23-cv-1097

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ANDY DWANE BENNETT

was received by me on *(date)* August 21, 2024 .

☒ Other *(specify)*:

Service of defendant ANDY DWANE BENNETT was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(A) by delivering to him the lawsuit service package as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70202450000036715150, return receipt requested, with delivery restricted to the addressee. This package was successfully delivered to defendant BENNETT's residence on September 3, 2024, at 10:05 AM. See the attached receipt copies from the USPS.

Despite executing service with *restricted delivery* exactly as outlined in Mich. Ct. R. 2.105(A), somehow *every* individual bar defendant in this lawsuit managed to defeat, or persuade their mail carrier(s) to help defeat, the successful *confirmation of service* as intended in this rule, by either interfering with return of the *"return receipt requested"*, returning it blank and unsigned devoid of any delivery information, or returning it signed by someone other than the named defendant to whom the lawsuit service was clearly addressed, despite delivery being restricted to that specific individual.

In this instance, the return receipt was never mailed back from Tennessee.

Brian Joseph Gallagher of Lennon Miller PLC made an appearance in this matter on behalf of defendant BENNETT on September 17. Since the definitive date and time of service was defeated by some failure to mail back the return receipt, defendant BENNETT is *deemed served* as of the date of *first appearance* in this matter, that being on September 17, 2024, though he likely received service weeks earlier.

"(3) An action shall not be dismissed for improper service of process unless the service failed to inform the defendant of the action within the time provided in these rules for service." Rule 2.105(K)(3) - Process; Manner of Service, Mich. Ct. R. 2.105(K)(3).

In the spirit of Mich. Ct. R. 2.105(K)(3) above, the objective here was to err on the side of caution while completing service since clearly the defendant must have been informed about this action prior to the *date of first appearance* of his counsel evidenced in the record.

I declare under penalty of perjury that this information is true.

Date: 10/19/2024

Marsha Ann Fenton
Server's signature

Marsha Ann Fenton
Printed name and title

17195 Silver Pkwy, #150, Fenton, MI 48430-3426
Server's address

DEFENDANT: ANDY DWANE BENNETT

LAWSUIT DELIVERED: 9/3/2024 (DEEMED SERVED: 9/17/2024)

UNITED STATES POSTAL SERVICE.

LINDEN
215 S MAIN ST
LINDEN, MI 48451-9998
(800)275-8777

08/28/2024 04:09 PM

Product	Qty	Unit Price	Price
Priority Mail®	1		$14.25
Hermitage, TN 37076			
Weight: 3 lb 11.20 oz			
Expected Delivery Date			
Fri 08/30/2024			
Insurance			$0.00
Up to $100.00 included			
Restricted Del			$12.75
Recipient name			
ANDY D BENNETT			
Tracking #:			
70202450000036715150			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0682 99			
Total			$31.10

Grand Total: $303.60

Credit Card Remit $303.60
Card Name: VISA
Account #: XXXXXXXXXXXX8359
Approval #: 518290
Transaction #: 717
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required

UFN: 255460-0451
Receipt #: 840-54930036-1-5531338-2
Clerk: 6

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com*®.

OFFICIAL USE

Certified Mail Fee $4.10
Extra Services & Fees (*check box, add fee as appropriate*)
☒ Return Receipt (hardcopy) $
☐ Return Receipt (electronic) $ $12.75
☒ Certified Mail Restricted Delivery $ $0.00
☐ Adult Signature Required $ $0.00
☐ Adult Signature Restricted Delivery $
Postage $14.25
Total Postage and Fees $31.10

LINDEN, MI 48451
AUG 28 2024
08/28/2024
USPS

Postmark Here

7020 2450 0000 3671 5150

ANDY DWANE BENNETT
1116 MISTLETOE CIR
HERMITAGE, TN 37076-4712

Instructions

THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANDY DWANE BENNETT
1116 MISTLETOE CIR
HERMITAGE, TN 37076-4712

9590 9402 8627 3244 0682 99

2. Article Number (*Transfer from service label*)
7020 2450 0000 3671 5150

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

This USPS Return Receipt Mysteriously Disappeared It was Never Returned After The Successful Delivery

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☒ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Help

Product Tracking & Reporting

UNITED STATES POSTAL SERVICE

Home | Search | Reports | Manual Entry | Rates/ Commitments | PTR / EDW | Customer Information | October 18, 2024

USPS Tracking Intranet

Delivery Signature and Address

Tracking Number: 7020 2450 0000 3671 5150

This item was delivered on 09/03/2024 at 10:05:00

< Return to Tracking Number View

Signature	Andy D. Bennett Andy D Bennett
Address	1116 MISTLETOE CIR HERMITAGE, TN 37076-4712

Enter up to 35 items separated by commas.

Select Search Type: Quick Search Submit

Product Tracking & Reporting, All Rights Reserved
Version: 24.4.3-de6c5246

This page is the U.S. Postal Service's internal delivery confirmation with "signature image" from the mail carrier's electronic keypad, signed by the recipient at the time of delivery.

This page was provided by Postmaster Danielle Weisenstein, from the Linden Post Office in Genessee County Michigan, who researched this parcel and provided this confirmation.

USPS Tracking®

FAQs >

COMPLETED

Remove ×

Tracking Number:

70202450000036715150

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item was picked up at the post office at 10:05 am on September 3, 2024 in HERMITAGE, TN 37076.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, Individual Picked Up at Post Office
HERMITAGE, TN 37076
September 3, 2024, 10:05 am

Notice Left (No Authorized Recipient Available)
HERMITAGE, TN 37076
August 30, 2024, 1:47 pm

Out for Delivery
HERMITAGE, TN 37076
August 30, 2024, 6:10 am

Arrived at Post Office
HERMITAGE, TN 37076
August 30, 2024, 3:08 am

Arrived at USPS Facility
HERMITAGE, TN 37076
August 30, 2024, 2:01 am

Departed USPS Regional Facility
NASHVILLE TN DISTRIBUTION CENTER
August 30, 2024, 1:44 am

Arrived at USPS Regional Destination Facility

Feedback

NASHVILLE TN DISTRIBUTION CENTER
August 29, 2024, 5:41 pm

Arrived at USPS Regional Origin Facility
DETROIT MI DISTRIBUTION CENTER
August 29, 2024, 1:51 am

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
August 28, 2024, 8:24 pm

Departed USPS Facility
FLINT, MI 48502
August 28, 2024, 7:38 pm

Departed Post Office
LINDEN, MI 48451
August 28, 2024, 5:07 pm

Departed USPS Facility
LINDEN, MI 48451
August 28, 2024, 4:59 pm

USPS in possession of item
LINDEN, MI 48451
August 28, 2024, 4:08 pm

Feedback

Hide Tracking History

What Do USPS Tracking Statuses Mean? (https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates

USPS Tracking Plus®

Product Information

Postal Product:	Features:	See tracking for related item:
Priority Mail®	Certified Mail Restricted Delivery Up to $100 insurance included. Restrictions Apply ⓘ	9590940286273244068299 (/go/TrackConfirmAction?tLabels=9590940286273244068299)

See Less

USPS Tracking®

FAQs >

**This is the tracking for the Return Receipt.
This shows that the Return Receipt was purchased, but it was never mailed back from Tennessee.**

Remove ×

Tracking Number:

9590940286273244068299

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

The U.S. Postal Service has received electronic notification on August 28, 2024 at 4:08 pm that you have associated a return receipt to your item.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Pre-Shipment
Return Receipt Associated
August 28, 2024, 4:08 pm

What Do USPS Tracking Statuses Mean? (https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates

USPS Tracking Plus®

Product Information

Postal Product:	Features:	See tracking for related item: 70202450000036715150 (/go/TrackConfirmAction?tLabels=70202450000036715150)
USPS Ground Advantage™	Return Receipt USPS Tracking®	