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 4:17 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)* John Brandon Coke
4324 Barnes Cove Drive
Nashville, TN 37211

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. Wood
Signature of Clerk or Deputy Clerk

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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)* JOHN BRANDON COKE

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

☒ Other *(specify)*:

Service of defendant JOHN BRANDON COKE 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 70202450000036715181, return receipt requested, with delivery restricted to the addressee.

On August 26 the USPS reported, "No Access to Delivery Location". The following day on August 27th, the USPS reported, "Notice Left (No Authorized Recipient Available)", after which no one claimed the package. On September 1, 2024, the USPS reported sending defendant Coke a reminder about the package, urging him to contact them to reschedule delivery, though ultimately defendant Coke failed or refused to do so. That package was returned to us in Michigan on October 5th, 2024.

On September 4, 2024, a second lawsuit service package as itemized in ECF 69 and 69-1 of this lawsuit, was sent to defendant JOHN BRANDON COKE, this time at his place of employment, via certified U.S. mail with tracking number 70202450000036715846, return receipt requested.

Since defendant Coke is employed by a government entity, *restricted delivery* was not used this time, because it is unknown whether or not the mail carrier would have direct access to him. This package was delivered on September 7th, 2024, at 12:35 PM and signed for using some sort of employee identification number or other codified descriptor by which to maintain internal controls while concealing the personal identity of the individual who received the mail.

Brian Joseph Gallagher of Lennon Miller PLC made an appearance in this matter on behalf of defendant Coke on September 17. Since I am unable to determine the precise date and time defendant Coke received service from whomever received the mail at his office, defendant Coke 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: JOHN BRANDON COKE

SECOND ATTEMPT— LAWSUIT DELIVERED: 9/07/2024 (DEEMED SERVED: 9/17/2024)

UNITED STATES POSTAL SERVICE.

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

09/04/2024 10:06 AM

Product	Qty	Unit Price	Price
Priority Mail®	1		$14.25
Nashville, TN 37219			
Weight: 3 lb 12.00 oz			
Expected Delivery Date			
Fri 09/06/2024			
Insurance			$0.00
Up to $100.00 included			
Certified Mail®			$4.85
Tracking #:			
70202450000036715846			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0677 66			
Total			$23.20

Grand Total: $72.30

Credit Card Remit $72.30
Card Name: VISA
Account #: XXXXXXXXXXXX8359
Approval #: 904060
Transaction #: 237
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required

UFN: 255460-0451
Receipt #: 840-54930036-3-6764485-2
Clerk: 06

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

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

Nashville, TN 37219

OFFICIAL USE

Certified Mail Fee $4.85
Extra Services & Fees (check box, add fee as appropriate) $4.10
☒ Return Receipt (hardcopy) $0.00
☐ Return Receipt (electronic) $0.00
☐ Certified Mail Restricted Delivery $0.00
☒ Adult Signature Required $0.00
☐ Adult Signature Restricted Delivery $
Postage $14.25
Total Postage and Fees $23.20

SESQ 0451 06
Postmark Here
SEP 04 2024
09/04/2024
LINDEN, MI 48451

7020 2450 0000 3671 5846

ADMINISTRATIVE OFFICE OF THE COURTS
GENERAL COUNSEL JOHN COKE
511 UNION STREET, SUITE 600
NASHVILLE, TN 37219-1768

See Reverse for Instructions

USPS TRACKING #
9590 9402 8627 3244 0677 66

NASHVILLE TN 370
9 SEP 2024 PM 6 L

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

17195 SILVER PKWY
PMB #150
FENTON, MI 48430-3426

SENDER: COMPLETE 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:

ADMINISTRATIVE OFFICE OF THE COURTS
GENERAL COUNSEL JOHN COKE
511 UNION STREET, SUITE 600
NASHVILLE, TN 37219-1768

9590 9402 8627 3244 0677 66

7020 2450 0000 3671 5846

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X C. C19 ☐ Agent ☐ Addressee

B. Received by (Printed Name) Cw1901 C. Date of Delivery 9-7-24

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

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

ALERT: TROPICAL STORM FRANCINE, FLOODING, AND SEVERE WEATHER IN THE SOUTHERN U.S. M...

USPS Tracking®

FAQs >

COMPLETED

Remove ×

Tracking Number:

70202450000036715846

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

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 12:35 pm on September 7, 2024 in NASHVILLE, TN 37219.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered
Delivered, Front Desk/Reception/Mail Room
NASHVILLE, TN 37219
September 7, 2024, 12:35 pm

Out for Delivery
NASHVILLE, TN 37219
September 7, 2024, 7:51 am

Arrived at Post Office
NASHVILLE, TN 37202
September 7, 2024, 7:40 am

Arrived at USPS Regional Destination Facility
NASHVILLE TN DISTRIBUTION CENTER
September 6, 2024, 10:04 pm

In Transit to Next Facility
September 6, 2024

Arrived at USPS Regional Origin Facility
DETROIT MI DISTRIBUTION CENTER
September 5, 2024, 12:21 pm

Departed Post Office
LINDEN, MI 48451
September 4, 2024, 4:02 pm

USPS in possession of item
LINDEN, MI 48451
September 4, 2024, 10:05 am

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™ Up to $100 insurance included. Restrictions Apply ⓘ	9590940286273244067766 (/go/TrackConfirmAction?tLabels=9590940286273244067766)

Feedback

See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

USPS Tracking®

FAQs >

COMPLETED

Remove ×

Tracking Number:

9590940286273244067766

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

Latest Update

Your item was delivered in or at the mailbox at 1:59 pm on September 12, 2024 in FENTON, MI 48430.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered
Delivered, In/At Mailbox
FENTON, MI 48430
September 12, 2024, 1:59 pm

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
September 11, 2024, 10:35 am

Arrived at USPS Regional Facility
NASHVILLE TN DISTRIBUTION CENTER
September 9, 2024, 8:28 pm

Return Receipt Associated
September 4, 2024, 10:05 am

Hide Tracking History

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

DEFENDANT: JOHN BRANDON COKE FIRST SERVICE ATTEMPT REFUSED SERVICE

UNITED STATES POSTAL SERVICE.

FENTON
210 S LEROY ST
FENTON, MI 48430-9998
(800)275-8777

08/24/2024 02:06 PM

Product	Qty	Unit Price	Price
Priority Mail®	1		$14.25
Nashville, TN 37211			
Weight: 3 lb 10.60 oz			
Expected Delivery Date			
Mon 08/26/2024			
Insurance			$0.00
Up to $100.00 included			
Restricted Del			$12.75
Recipient name			
JOHN COKE			
Tracking #:			
70202450000036715181			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0682 51			
Total			$31.10

Grand Total: $200.20

Credit Card Remit $200.20
Card Name: VISA
Account #: XXXXXXXXXXXX8359
Approval #: 314260
Transaction #: 188
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required

UFN: 253200-0431
Receipt #: 840-54930020-3-6269723-1
Clerk: 05

7020 2450 0000 3671 5181

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

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

NASHVILLE, TN 37211

OFFICIAL USE

Certified Mail Fee $ $4.10
Extra Services & Fees (*check box, add fee as appropriate*)
- [x] Return Receipt (hardcopy) $ $0.00
- [ ] Return Receipt (electronic) $
- [x] Certified Mail Restricted Delivery $ $0.00
- [ ] Adult Signature Required $ $0.00
- [ ] Adult Signature Restricted Delivery $

Postage $14.25
Total Postage and Fees $14.25

0431
05
FENTON, MI 48430
Postmark Here
08/24/2024

JOHN BRANDON COKE
4324 BARNES COVE DR
NASHVILLE TN 37211-7150

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

REFUSED

DEFENDANT: JOHN BRANDON COKE FIRST SERVICE ATTEMPT REFUSED SERVICE

PRIORITY MAIL

Retail

U.S. POSTAGE PAID
PM
FENTON, MI 48430
AUG 24, 2024

$31.10

S2324H504270-05

37211

RDC 03

CERTIFIED MAIL

7020 2450 0000 3671 5181

FROM:

17195 SILVER PKWY
PMB #150
FENTON, MI 48430-3426

TO:

JOHN BRANDON COKE
4324 BARNES COVE DR
NASHVILLE TN 37211-7150

-R-T-S- 37211-RFS-1N 10/02/24
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER
RFS

RE-DELIVER

ALERT: HURRICANES HELENE AND MILTON, FLOODING, AND SEVERE WEATHER IN THE SOU...

USPS Tracking®

FAQs >

UNCLAIMED—RETURNED

Remove ✕

Tracking Number:

70202450000036715181

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

Latest Update

Your item was delivered to an individual at the address at 1:20 pm on October 5, 2024 in FENTON, MI 48430.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, Left with Individual
FENTON, MI 48430
October 5, 2024, 1:20 pm

Arrived at USPS Facility
FENTON, MI 48430
October 5, 2024, 6:28 am

Departed USPS Facility
FLINT, MI 48502
October 5, 2024, 5:31 am

Arrived at USPS Facility
FLINT, MI 48502
October 5, 2024, 3:37 am

Departed USPS Regional Facility
DETROIT MI DISTRIBUTION CENTER
October 5, 2024, 2:08 am

https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=70202450000036715181%2C

Arrived at USPS Regional Facility
DETROIT MI DISTRIBUTION CENTER
October 4, 2024, 4:58 pm

Departed USPS Facility
INDIANAPOLIS, IN 46219
October 3, 2024, 3:53 pm

Arrived at USPS Facility
INDIANAPOLIS, IN 46219
October 3, 2024, 12:48 pm

Departed USPS Regional Facility
NASHVILLE TN DISTRIBUTION CENTER
October 3, 2024, 6:29 am

Reminder to Schedule Redelivery of your item
September 1, 2024

Notice Left (No Authorized Recipient Available)
NASHVILLE, TN 37211
August 27, 2024, 3:57 pm

No Access to Delivery Location
NASHVILLE, TN 37211
August 26, 2024, 5:03 pm

Out for Delivery
NASHVILLE, TN 37211
August 26, 2024, 8:30 am

Arrived at Post Office
NASHVILLE, TN 37211
August 26, 2024, 8:19 am

Arrived at USPS Regional Destination Facility
NASHVILLE TN DISTRIBUTION CENTER
August 26, 2024, 12:03 am

In Transit to Next Facility
August 25, 2024

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
August 24, 2024, 6:16 pm

Departed USPS Facility
FLINT, MI 48502
August 24, 2024, 5:16 pm

Departed USPS Facility
FENTON, MI 48430
August 24, 2024, 3:20 pm

Departed Post Office
FENTON, MI 48430
August 24, 2024, 3:14 pm

USPS in possession of item
FENTON, MI 48430
August 24, 2024, 1:49 pm

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 ⓘ	9590940286273244068251 (/go/TrackConfirmAction?tLabels=9590940286273244068251)

See Less