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: piw / 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)*

STORY AND ABERNATHY, PLLP
136 4TH AVE S,
FRANKLIN, TN 37064-2622

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

AUG 2 1 2024

Date: ~~05/23/2024~~

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)* STORY AND ABERNATHY, PLLP

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

☒ *Other (specify):*

Service of defendant STORY AND ABERNATHY, PLLP was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(C) by delivering the *lawsuit service package* as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70203160000230011758, return receipt requested, to the *registered agent* address as listed by the Tennessee Secretary of State, Division of Business Services, for SOS Control #000706581. This package was successfully delivered to defendant STORY AND ABERNATHY, PLLP on August 26, 2024, at 11:09 AM, as evidenced by the return receipt signed by "Kim Rydell". See the attached receipt copies from the USPS.

Mich. Ct. R. 2.105(C) requires: "Process may be served on a partnership or limited partnership by: (1) serving a summons and a copy of the complaint on any general partner, or (2) serving a summons and a copy of the complaint on the person in charge of a partnership office or business establishment and sending a summons and a copy of the complaint by registered mail, addressed to a general partner at his or her usual residence or last known address."

Due to the high number of defendants in this case, production of the *lawsuit service packages* was both costly and very time and resource intensive to produce. As such there were only enough lawsuit service packages prepared to provide *one* per defendant to start. As service progressed, additional lawsuit service packages continued to be produced and sent out to defendants requiring additional service attempts.

Per Mich. Ct. R. 2.105(K)(3), "(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.

In the spirit of Mich. Ct. R. 2.105(K)(3) above, service was *deemed satisfied* either upon full completion of service as outlined in Mich. Ct. R. 2.105, per the entity type, or upon first appearance in this matter by counsel, since they obviously were *informed* about this action prior to the *date of first appearance* by their counsel as evidenced in the record.

Especially in situations where the registered agent address and the principal address for the business are the same, or where the registered agent and the known business owner are the same person, it is cost prohibitive, inefficient, and largely illogical, to redundantly serve the same individual.

Valerie Henning Mock of Wilson Elser Moskowitz Edelman & Dicker LLP made an *appearance* in this matter on behalf of defendant STORY AND ABERNATHY, PLLP on September 16. Since service was only sent to STORY AND ABERNATHY, PLLP at their business address, not at the personal residence of any of the partners, service is deemed completed as of the date of first appearance in this matter, that being on September 16, 2024, though first notice of the action was delivered weeks earlier.

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

Date: 10/20/2024

Marsha Ann Fenton
Server's signature

Marsha Ann Fenton
Printed name and title

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

Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

Filing Information

Name: Story and Abernathy, PLLP

General Information

SOS Control #	000706581	Formation Locale:	TENNESSEE
Filing Type:	Limited Liability Partnership - Domestic 01/18/2013 10:08 AM	Date Formed:	01/18/2013
		Fiscal Year Close	12
Status:	Active	Partner Count:	2
Duration Term:	Perpetual		

Registered Agent Address
VIRGINIA L STORY
136 4TH AVE S
FRANKLIN, TN 37064-2622

Principal Address
136 4TH AVE S
FRANKLIN, TN 37064-2622

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
05/02/2024	2023 Annual Report	B1557-5824
	Member Count Changed From: 3 To: 2	
02/26/2024	Articles of Amendment	B1511-4908
	Filing Name Changed From: Story, Abernathy and Campbell, PLLP To: Story and Abernathy, PLLP	
08/14/2023	Application for Reinstatement	B1441-5102
	Filing Status Changed From: Inactive - Dissolved (Administrative) To: ACTIVE	
	Inactive Date Changed From: 08/08/2023 To: No Value	
08/14/2023	2022 Annual Report	B1441-5083
08/08/2023	Dissolution/Revocation - Administrative	B1433-5264
	Filing Status Changed From: Active To: Inactive - Dissolved (Administrative)	
	Inactive Date Changed From: No Value To: 08/08/2023	
06/02/2023	Notice of Determination	B1402-4346
03/30/2022	2021 Annual Report	B1191-1280
03/30/2021	2020 Annual Report	B1008-8539
03/31/2020	2019 Annual Report	B0850-3978
	Member Count Changed From: 1 To: 3	
02/15/2019	2018 Annual Report	B0654-2169
	Member Count Changed From: 3 To: 1	

Filing Information

Name: Story and Abernathy, PLLP

03/22/2018	2017 Annual Report	B0520-3602
Member Count Changed From: 2 To: 3		
03/21/2017	2016 Annual Report	B0366-0413
Member Count Changed From: 3 To: 2		
01/21/2016	2015 Annual Report	B0187-3796
12/29/2014	2014 Annual Report	B0001-7718
Member Count Changed From: 2 To: 3		
07/09/2014	Articles of Amendment	7360-2003
Filing Name Changed From: Story and Abernathy, PLLP To: Story, Abernathy and Campbell, PLLP		
12/28/2013	2013 Annual Report	A0206-1187
01/18/2013	Initial Filing	7134-1551

Active Assumed Names (if any)	Date	Expires

DEFENDANT: STORY AND ABERNATHY, PLLP

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/16/2024)

UNITED STATES POSTAL SERVICE.

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

08/24/2024 11:25 AM

Product	Qty	Unit Price	Price
Priority Mail®	1		$14.25
Franklin, TN 37064			
Weight: 3 lb 10.80 oz			
Expected Delivery Date			
Mon 08/26/2024			
Insurance			$0.00
Up to $100.00 included			
Certified Mail®			$4.85
Tracking #:			
→ 70203160000230011758			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0682 44			
Total			$23.20

Grand Total: $147.60

Credit Card Remit $147.60
Card Name: VISA
Account #: XXXXXXXXXXXX8359
Approval #: 014252
Transaction #: 185
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required

UFN: 255460-0451
Receipt #: 840-54930036-3-6753461-2
Clerk: 06

7020 3160 0002 3001 1758

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

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

Franklin, TN 37064

OFFICIAL USE

Certified Mail Fee $4.85
$ $4.10
Extra Services & Fees (check box, add fee as appropriate)
☐ 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
$

LINDEN, MI 48451 0451 06
Postmark Here
AUG 24 2024
08/24/2024

Sent T
Street
City, S

STORY AND ABERNATHY, PLLP
136 4TH AVE S
FRANKLIN, TN 37064-2622

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

USPS TRACKING #
NASHVILLE TN 370
26 AUG 2024 PM 2 L
9590 9402 8627 3244 0682 44

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

48430-342695

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:

STORY AND ABERNATHY, PLLP
136 4TH AVE S
FRANKLIN, TN 37064-2622

9590 9402 8627 3244 0682 44

2. Article Number (Transfer from service label)
7020 3160 0002 3001 1758

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kim Rydel ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 8/24/24

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

[redacted]

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:

70203160000230011758

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 11:09 am on August 26, 2024 in FRANKLIN, TN 37064.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, Front Desk/Reception/Mail Room
FRANKLIN, TN 37064
August 26, 2024, 11:09 am

Out for Delivery
FRANKLIN, TN 37064
August 26, 2024, 6:10 am

Arrived at Post Office
FRANKLIN, TN 37064
August 26, 2024, 5:51 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 Origin Facility
DETROIT MI DISTRIBUTION CENTER
August 24, 2024, 10:44 pm

Feedback

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
August 24, 2024, 6:21 pm

Departed USPS Facility
LINDEN, MI 48451
August 24, 2024, 12:02 pm

Departed Post Office
LINDEN, MI 48451
August 24, 2024, 12:01 pm

USPS in possession of item
LINDEN, MI 48451
August 24, 2024, 11:15 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

Feedback

Postal Product:	Features:	See tracking for related item:
Priority Mail®	Certified Mail™ Up to $100 insurance included. Restrictions Apply	9590940286273244068244 (/go/TrackConfirmAction?tLabels=9590940286273244068244)

See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

USPS Tracking®

FAQs >

COMPLETED

Remove ×

Tracking Number:

9590940286273244068244

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

Latest Update

Your item was delivered in or at the mailbox at 3:09 pm on August 29, 2024 in FENTON, MI 48430.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, In/At Mailbox
FENTON, MI 48430
August 29, 2024, 3:09 pm

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
August 28, 2024, 8:45 am

Departed USPS Regional Facility
NASHVILLE TN DISTRIBUTION CENTER
August 27, 2024, 7:38 am

Arrived at USPS Regional Facility
NASHVILLE TN DISTRIBUTION CENTER
August 26, 2024, 11:10 pm

Processing at USPS Facility
FRANKLIN, TN 37064
August 26, 2024, 3:13 pm

Return Receipt Associated
August 24, 2024, 11:15 am

Feedback