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:

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)* Elaine Beaty Beeler
437 Battle Avenue
Franklin, TN 37064

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

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)* ELAINE BEATY BEELER

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

❒ Other *(specify)*:

Service of defendant ELAINE BEATY BEELER was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(A) by delivering to her the *lawsuit service package* as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70203160000230014704, return receipt requested, with *delivery restricted* to the addressee. This package was successfully delivered to defendant Beeler's residence on August 26, 2024, at 2:30 PM. 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 mailed back from Tennessee, but there was no signature confirmation or delivery information provided.

Additionally *nineteen days later,* after being reported by the USPS as having been successfully delivered, with the return receipt already returned to Michigan through the mail, this parcel appears to have been injected back into the mail stream on September 14 in the Nashville Distribution Center, marked as "REFUSED", "RETURN TO SENDER". At which point it began its journey back to Michigan, returning on August 30, *thirty-seven days* after originally being sent.

Brian Joseph Gallagher of Lennon Miller PLC made an appearance in this matter on behalf of defendant Beeler on September 17, 2024, with that then becoming the *deemed date of service* for defendant Beeler.

"(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 her counsel evidenced in the record.

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

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			
Restricted Del			$12.75
Recipient name			
ELAINE B BEELER			
Tracking #:			
70203160000230014704			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0684 97			
Total			$31.10
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 4704

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 $4.10
Extra Services & Fees (check box, add fee as appropriate)
- [x] Return Receipt (hardcopy) $0.00
- [ ] Return Receipt (electronic) $12.75
- [x] Certified Mail Restricted Delivery $0.00
- [ ] Adult Signature Required $0.00
- [ ] Adult Signature Restricted Delivery $

Postage $14.25
Total Postage and Fees $31.10

0451
06

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

Sent
Street
City,

ELAINE B. BEELER
437 BATTLE AVE
FRANKLIN, TN 37064-3709

PS Form 3800, April 2015 PSN 7530-02-000-5047 See reverse for instructions

USPS TRACKING #
9590 9402 8627 3244 0684 97

NASHVILLE TN 370
26 AUG 2024 PM 2 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:

ELAINE B. BEELER
437 BATTLE AVE
FRANKLIN, TN 37064-3709

9590 9402 8627 3244 0684 97

2. Article Number (Transfer from service label)
7020 3160 0002 3001 4704

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 Was Mysteriously Missing A Signature and Any Information About Delivery

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- [x] 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:

70203160000230014704

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

Latest Update

Your item was delivered to an individual at the address at 2:30 pm on August 26, 2024 in FRANKLIN, TN 37064.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, Left with Individual
FRANKLIN, TN 37064
August 26, 2024, 2:30 pm

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, 12:04 am

In Transit to Next Facility
August 25, 2024

Arrived at USPS Regional Origin Facility
DETROIT MI DISTRIBUTION CENTER
August 24, 2024, 10:46 pm

Arrived at USPS Regional Facility

Feedback

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, 11:23 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 Restricted Delivery Up to $100 insurance included. Restrictions Apply ⓘ	9590940286273244068497 (/go/TrackConfirmAction?tLabels=9590940286273244068497)

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:

9590940286273244068497

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

Latest Update

Your item was delivered in or at the mailbox at 1:17 pm on August 31, 2024 in FENTON, MI 48430.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered
Delivered, In/At Mailbox
FENTON, MI 48430
August 31, 2024, 1:17 pm

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
August 30, 2024, 7:26 am

Arrived at USPS Regional Facility
CHARLESTON WV PROCESSING CENTER
August 28, 2024, 9:37 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, 10:41 pm

Processing at USPS Facility
FRANKLIN, TN 37064
August 26, 2024, 5:38 pm

Return Receipt Associated
August 24, 2024, 11:23 am

Feedback

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			
Restricted Del			$12.75
Recipient name			
ELAINE B BEELER			
Tracking #:			
70203160000230014704			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0684 97			
Total			$31.10
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 4704

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 $4.10
Extra Services & Fees (check box, add fee as appropriate)
- [x] Return Receipt (hardcopy) $0.00
- [ ] Return Receipt (electronic) $12.75
- [x] Certified Mail Restricted Delivery $0.00
- [ ] Adult Signature Required $0.00
- [ ] Adult Signature Restricted Delivery $

Postage $14.25
Total Postage and Fees $31.10

0451
06

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

Sent To
Street
City,

ELAINE B. BEELER
437 BATTLE AVE
FRANKLIN, TN 37064-3709

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 0684 97

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:

ELAINE B. BEELER
437 BATTLE AVE
FRANKLIN, TN 37064-3709

9590 9402 8627 3244 0684 97

2. Article Number (Transfer from service label)
7020 3160 0002 3001 4704

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 Was Mysteriously Missing A Signature and Any Information About Delivery

3. Service Type
- [ ] Adult Signature
- [ ] Adult Signature Restricted Delivery
- [ ] Certified Mail®
- [x] 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

ED STATES
L SERVIC

FIRMLY TI SAL

urance (restrictions apply).*
nestic and many international desinations.
claration form is required.

CERTIFIED MAIL

7020 3160 0002 3001 4704

Retail

RDC 03

U S. POSTAGE PAID
PM
LINDEN, MI 48451
AUG 24, 2024

$31.10

R2304E105878-06

PRIORITY MAIL
POSTAGE REQUIRED

FROM:

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

-R-T-S- -RFS-1N 09/13/24
RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
RETURN TO SENDER

ELAINE BEATY BEELER
437 BATTLE AVE
FRANKLIN, TN 37064-3709

Customer: ALL MAILBOX HOLDERS

Location: Shelf
Package Type: Package
Received On: 9/30/2024

4204843092053901882700314854 14

150

You received a package via USPS on 9/30/2024.
It was received in the following condition:
Good. Please bring this slip to an associate to pickup your item as soon as possible to avoid storage fees.

Please sign below in presence of an associate

Customer Signature

Today's Date

Print Name

RED

Arrived at USPS Regional Facility
INDIANAPOLIS IN DISTRIBUTION CENTER
September 14, 2024, 5:01 pm

Arrived at USPS Facility
INDIANAPOLIS, IN 46219
September 14, 2024, 12:09 pm

In Transit to Next Facility
September 14, 2024, 8:01 am

Departed USPS Regional Facility
NASHVILLE TN DISTRIBUTION CENTER
September 14, 2024, 5:27 am

LATER DAYS 19

PREVIOUSLY

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

Arrived at USPS Regional Destination Facility
NASHVILLE TN DISTRIBUTION CENTER
August 26, 2024, 12:04 am

Arrived at USPS Regional Origin Facility
DETROIT MI DISTRIBUTION CENTER
August 24, 2024, 10:46 pm

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, 11:23 am

According to research performed by the Linden Michigan Postmaster, this lawsuit service package appears to have been originally accepted by the defendant (successfully delivered, though the recipient refused to sign the signature confirmation, as did most of the defendants.) Then **nineteen** days later, the recipient/defendant returned this package to the USPS and **refused it**, having it shipped back to Michigan, where it arrived **thirty-seven** days after being shipped.

Latest Update

Your item was delivered to an individual at the address at 2:30 pm on August 26, 2024 in FRANKLIN, TN 37064.

Delivered

Delivered, Left with Individual
FRANKLIN, TN 37064
August 26, 2024, 2:30 pm

Hide Tracking History

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

Text & Email Updates

Product Information

Postal Product:	Features:	See tracking for related item:
Priority Mail®	Certified Mail Restricted Delivery Up to $100 insurance included. Restrictions Apply ⓘ	9590940286273244068497 (/go/TrackConfirmAction?tLabels=9590940286273244068497)

See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs