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)* Virginia Lee Story
111 Jonathan Court
Franklin, TN 37069

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~~

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)* VIRGINIA LEE STORY

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

☒ Other *(specify)*:

Service of defendant VIRGINIA LEE STORY 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 70203160000230014919, return receipt requested, with delivery restricted to the addressee. This package was successfully delivered to defendant Story's office on August 26, 2024, at 11:08 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 signed by "Kim Rydell".

Valerie Henning Mock of Wilson Elser Moskowitz Edelman & Dicker LLP made an *appearance* in this matter on behalf of defendant Story on September 16. Since the definitive date and time of service was defeated by having the wrong party sign the return receipt, defendant Story is *deemed served* as of the *date of first appearance* in this matter, that being on September 16, 2024, though she 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 her counsel evidenced in the record.

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

Date: 10/18/2024

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 10.60 oz			
Expected Delivery Date			
Mon 08/26/2024			
Insurance			$0.00
Up to $100.00 included			
Restricted Del			$12.75
Recipient name			
VIRGINIA L STORY			
Tracking #:			
70203160000230014919			
Return Receipt			$4.10
Tracking #:			
9590 9402 8627 3244 0682 20			
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

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) $
- [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

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

7020 3160 0002 3001 4919

VIRGINIA LEE STORY
136 4TH AVE S
FRANKLIN, TN 37064-2622

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

USPS TRACKING #

9590 9402 8627 3244 0682 20

United States Postal Service

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

• 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:

VIRGINIA LEE STORY
136 4TH AVE S
FRANKLIN, TN 37064-2622

9590 9402 8627 3244 0682 20

2. Article Number (Transfer from service label) 7020 3160 0002 3001 4919

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kim Ryder
☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery 8/26/24

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

RESTRICTED 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:

70203160000230014919

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 11:08 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, 11:08 am

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

Arrived at Post Office
FRANKLIN, TN 37064
August 26, 2024, 5:53 am

Arrived at USPS Regional Destination Facility
NASHVILLE TN DISTRIBUTION CENTER
August 26, 2024, 12:00 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, 11:17 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 ⓘ	9590940286273244068220 (/go/TrackConfirmAction?tLabels=9590940286273244068220)

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:

9590940286273244068220

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®

Feedback

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, 8:47 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, 10:39 pm

Return Receipt Associated
August 24, 2024, 11:17 am

Hide Tracking History