

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

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

JEFFREY RYAN FENTON

Plaintiff(s)

v.

VIRGINIA LEE STORY et al.,

Defendant(s)

FILED - LN

October 21, 2024 4:17 PM

CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY: piw / SCANNED BY: [Signature]

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 19 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: 10/20/2024Marsha Ann Fenton*Server's signature*Marsha Ann Fenton*Printed name and title*17195 Silver Pkwy, #150, Fenton, MI 48430-3426*Server's address*

DEFENDANT: ELAINE BEATY BEELER

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/17/2024)

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
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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			

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	0451
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	06
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$12.75	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$10.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$14.25	
Total Postage and Fees	\$31.10	

Postmark Here

AUG 24 2024

7020 3160 0002 3001 4704

Sent **ELAINE B. BEELER**
Street **437 BATTLE AVE**
City **FRANKLIN, TN 37064-3709**

PS Form 3811, July 2020 PSN 7530-02-000-9053 See reverse for instructions

USPS TRACKING#

NASHVILLE TN 370

24 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

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>This USPS Return Receipt Was Mysteriously Missing A Signature and Any Information About Delivery</p>
<p>1. Article Addressed to:</p> <p>ELAINE B. BEELER 437 BATTLE AVE FRANKLIN, TN 37064-3709</p> <p>9590 9402 8627 3244 0684 97</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation™</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>7020 3160 0002 3001 4704</p>	
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

Tracking Number:

Remove X

70203160000230014704

Copy

Add to Informed Delivery (<https://informedelivery.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

DEFENDANT: ELAINE BEATY BEELER

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? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



Feedback

Postal Product: Certified Mail Restricted Delivery
Priority Mail® Up to \$100 insurance included. Restrictions Apply ⓘ

See tracking for related item:
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 X](#)

Tracking Number:

9590940286273244068497

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.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](#)

DEFENDANT: ELAINE BEATY BEELER

LAW SUIT DELIVERED: 8/26/2024 | REJECTED: 9/14/2024 | DEEMED SERVED: 9/17/2024



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

08/24/2024 11:25 AM

Product	Qty	Unit Price	Price
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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 #:			
→ 7020316000230014704			
Return Receipt		\$4.10	
Tracking #:			
9590 9402 8627 3244 0684 97			
Total			\$31.10
<hr/>			
Grand Total:			\$147.60
<hr/>			
Credit Card Remit			\$147.60
Card Name: VISA			
Account #: XXXXXXXXXXXX8359			
Approval #: 014252			
Transaction #: 185			
AID: A0000000031010	Chip		
AL: VISA CREDIT			
PIN: Not Required			
<hr/>			
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	0451
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	06
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$12.75	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$14.25	
Total Postage and Fees	\$31.10	
Sent		
ELAINE B. BEELER		
437 BATTLE AVE		
FRANKLIN, TN 37064-3709		

PS Form 3811, July 2020 PSN 7530-02-000-9053 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 THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>ELAINE B. BEELER 437 BATTLE AVE FRANKLIN, TN 37064-3709</p> <p>9590 9402 8627 3244 0684 97</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>This USPS Return Receipt Was Mysteriously Missing A Signature and Any Information About Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7020 3160 0002 3001 4704</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt



PRIORITY MAIL
POSTAGE REQUIRED

U.S. POSTAGE PAID
P/M
LINDEN, MI 48451
AUG 24, 2024

\$31.10
R2304E105878-06



Retail

RDC 03

FROM:

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

09/13/24

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
RETURN TO SENDER

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

CERTIFIED MAIL

7020 3160 0002 3001 4704

Insurance (restrictions apply).
Domestic and many international destinations.
Declaration form is required.

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

150

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

Customer: ALL MAILBOX HOLDERS

SEE NOTICE ON REVERSE regarding USPS Terms, and notice of limitation of liability. Where allowed by law, shipping authorities USPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Domestic carriers to law is published.

10/19/24, 11:08 PM

USPS.com® - USPS Tracking® Results

- **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
- **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

LATER DAYS
19

PREVIOUSLY

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

10/19/24, 11:08 PM

USPS.com® - USPS Tracking® Results

● Hide Tracking History

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

Text & Email Updates



Product Information



Postal

Product:

Priority

Mail®

Features:

Certified Mail Restricted Delivery

Up to \$100 insurance included. Restrictions Apply ⓘ

See tracking for related item:

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