

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: pww / SCANNED BY: [Signature]

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.

AUG 21 2024

Date: 05/23/2024

CLERK OF COURT

[Signature]

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) 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*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	Date Formed:	01/18/2013
	01/18/2013 10:08 AM	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	
8/20/2024 7:02:19 PM		

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

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	\$11.35
Extra Services & Fees (check box, add fee as appropriate)	\$4.10
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input 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	\$11.25
Total Postage and Fees	\$23.20

Postmark Here
08/24/2024

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

PS Form 3811, July 2020 PSN 7530-02-000-9053 See Reverse for Instructions

USPS TRACKING#

NASHVILLE TN 370

26 AUG 2024 PM 2

9590 9402 8627 3244 0682 44

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

48430-342695

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 <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i></p> <p>C. Date of Delivery <i>8/24/24</i></p>
<p>1. Article Addressed to:</p> <p>STORY AND ABERNATHY, PLLP 136 4TH AVE S FRANKLIN, TN 37064-2622</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><i>[Redacted Address]</i></p>
<p>2. Article Number (Transfer from service label)</p> <p>7020 3160 0002 3001 1758</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery (over \$500)</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

70203160000230011758

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

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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

DEFENDANT: STORY AND ABERNATHY, PLLP

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

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

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[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™
Priority Mail®
Features: Up to \$100 insurance included. Restrictions Apply ⓘ

See tracking for related item:
9590940286273244068244 (/go/TrackConfirmAction?tLabels=9590940286273244068244)

See Less ^

Track Another Package

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Contact USPS Tracking support for further assistance.

USPS Tracking®

[FAQs >](#)

COMPLETED

Tracking Number:

[Remove X](#)

9590940286273244068244

[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 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