

DEFENDANT: WILLIAM NEAL MCBRAYER

LAWSUIT DELIVERED: 8/31/2024 (DEEMED SERVED: 9/17/2024)

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 4:18 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: piw / SCANNED BY: ksd/10/21/24

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)*  
William Neal McBrayer  
9034 Meadowlawn Drive  
Brentwood, TN 37027

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 19 2024

Date: 5/23/2024

CLERK OF COURT

*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)*

WILLIAM NEAL MCBRAYER

was received by me on *(date)* August 21, 2024 Other *(specify)*:

Service of defendant WILLIAM NEAL MCBRAYER was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(A) by delivering to him the lawsuit service package as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70202450000036715136, return receipt requested, with delivery restricted to the addressee. This package was successfully delivered to defendant McBrayer's residence on August 31, 2024, 12:35 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 appears to have been misdirected to Nashville, rather than returning it to Michigan as addressed.

Brian Joseph Gallagher of Lennon Miller PLC made an appearance in this matter on behalf of defendant McBrayer on September 17. Since the definitive date and time of service was defeated by some failure in mailing back the return receipt, defendant McBrayer is *deemed served* as of the date of *first appearance* in this matter, that being on September 17, 2024, though he 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 his counsel evidenced in the record.

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

Date: 10/19/2024Marsha Ann Fenton

Server's signature

Marsha Ann Fenton

Printed name and title

17195 Silver Pkwy, #150, Fenton, MI 48430-3426

Server's address

DEFENDANT: WILLIAM NEAL MCBRAYER

LAWSUIT DELIVERED: 8/31/2024 (DEEMED SERVED: 9/17/2024)



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

08/28/2024 04:09 PM

Product	Qty	Unit Price	Price
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Priority Mail®	1		\$14.25
Brentwood, TN 37027			
Weight: 3 lb 11.00 oz			
Expected Delivery Date			
Fri 08/30/2024			
Insurance			\$0.00
Up to \$100.00 included			
Restricted Del			\$12.75
Recipient name			
WILLIAM N MCBRAYER			
Tracking #:	7020245000036715136		
Return Receipt			\$4.10
Tracking #: 9590 9402 8627 3244 0682 75			
<b>Total</b>			<b>\$31.10</b>

Grand Total: \$303.60

Credit Card Remit \$303.60

Card Name: VISA  
Account #: XXXXXXXXXXXX8359  
Approval #: 518290  
Transaction #: 717  
AID: A0000000031010 Chip  
AL: VISA CREDIT  
PIN: Not Required

UFN: 255460-0451  
Receipt #: 840-54930036-1-5531338-2  
Clerk: 6

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

7020 2450 0000 3671 5136

Certified Mail Fee \$4.10

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$4.10

Return Receipt (electronic) \$12.75

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$14.25

Total Postage and Fees \$31.10

Postmark: AUG 28 2024

USPS

**WILLIAM NEAL MCBRAYER**  
**9034 MEADOWLAWN DR**  
**BRENTWOOD, TN 37027-5223**

Instructions

**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:

**WILLIAM NEAL MCBRAYER**  
**9034 MEADOWLAWN DR**  
**BRENTWOOD, TN 37027-5223**



9590 9402 8627 3244 0682 75

7020 2450 0000 3671 5136

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

**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**  
**Mysteriously Disappeared**  
**It was Never Returned After**  
**The Successful Delivery**

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

Domestic Return Receipt

[Help](#)



# Product Tracking & Reporting

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October 18, 2024


## USPS Tracking Intranet

### Delivery Signature and Address

Tracking Number: 7020 2450 0000 3671 5136

This item was delivered on 08/31/2024 at 12:35:00

[< Return to Tracking Number View](#)

Signature	
Address	<p><b>9034 MEADOWLAWN I</b></p> <p><b>BRENTWOOD, TN 37027-5223</b></p>

Enter up to 35 items separated by commas.

Select Search Type:

Quick Search

Product Tracking & Reporting, All Rights Reserved  
Version: 24.4.3-de6c5246

This page is the U.S. Postal Service's internal delivery confirmation with "signature image" from the mail carrier's electronic keypad, signed by the recipient at the time of delivery.

This page was provided by Postmaster Danielle Weisenstein, from the Linden Post Office in Genessee County Michigan, who researched this parcel and provided this confirmation.

# USPS Tracking®

FAQs >

## COMPLETED

Remove X

Tracking Number:

### 70202450000036715136

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was picked up at the post office at 12:35 pm on August 31, 2024 in BRENTWOOD, TN 37027.

Get More Out of USPS Tracking:

USPS Tracking Plus®

#### Delivered

Delivered, Individual Picked Up at Post Office

BRENTWOOD, TN 37027

August 31, 2024, 12:35 pm

#### Notice Left (No Authorized Recipient Available)

BRENTWOOD, TN 37027

August 30, 2024, 1:18 pm

#### Out for Delivery

BRENTWOOD, TN 37027

August 30, 2024, 6:46 am

#### Arrived at Post Office

BRENTWOOD, TN 37027

August 30, 2024, 6:35 am

#### Arrived at USPS Facility

BRENTWOOD, TN 37027

August 30, 2024, 4:21 am

#### In Transit to Next Facility

August 30, 2024, 3:42 am

#### Departed USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

Feedback

DEFENDANT: WILLIAM NEAL MCBRAYER  
August 30, 2024, 3:29 am

LAWSUIT DELIVERED: 8/31/2024 (DEEMED SERVED: 9/17/2024)

**Arrived at USPS Regional Destination Facility**

NASHVILLE TN DISTRIBUTION CENTER  
August 29, 2024, 5:41 pm

**Arrived at USPS Regional Origin Facility**

DETROIT MI DISTRIBUTION CENTER  
August 29, 2024, 1:49 am

**Arrived at USPS Regional Facility**

PONTIAC MI DISTRIBUTION CENTER  
August 28, 2024, 8:24 pm

**Departed USPS Facility**

FLINT, MI 48502  
August 28, 2024, 7:38 pm

**Departed Post Office**

LINDEN, MI 48451  
August 28, 2024, 5:07 pm

**Departed USPS Facility**

LINDEN, MI 48451  
August 28, 2024, 4:59 pm

**USPS in possession of item**

LINDEN, MI 48451  
August 28, 2024, 4:03 pm

Hide Tracking History

Feedback

[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



# USPS Tracking®

[FAQs >](#)

**This is the tracking for the Return Receipt. This shows that the Return Receipt was purchased, but it was never mailed back from Tennessee.**

[Remove X](#)

Tracking Number:

## 9590940286273244068275

[Copy](#)

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

### Latest Update

The U.S. Postal Service has received electronic notification on August 28, 2024 at 4:03 pm that you have associated a return receipt to your item.

### Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

#### Pre-Shipment

● **Return Receipt Associated**

August 28, 2024, 4:03 pm

Feedback

[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 

Postal

Product:

USPS Ground Advantage™

Features:

Return Receipt

USPS Tracking®

See tracking for related item: [7020245000036715136 \(/go/TrackConfirmAction?tLabels=7020245000036715136\)](https://go/TrackConfirmAction?tLabels=7020245000036715136)